

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

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Elizabeth Nelson
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Case No. 2:23-cv-11597 NGE-CI

ALBERT THROWER
PO BOX 6702
CLEVELAND, OH 44101

Judge: Nancy Edmunds

Plaintiffs(s)

-vs-

Magistrate Judge Curtis Ivy Jr

Robert Scott et al.,

RESPONSE TO DEFENDANTS MOTION TO DISMISS &/OR MOTION FOR SUMMARY
JUDGMENT INSTANTER

Per the record all the facts in the complaint must be accepted as true. See Ex 25, 26 (Ps')=plaintiffs affidavits AMENDED complaint (ECF 29) same as if rewritten herein. Per (PN)=Plaintiff Nelson affidavit Ex 25 pg. 1 para 1, Ex 25 pg. 2 para 1 Ex 26 (PT)=Plaintiff Thrower affidavit affirmation everything in complaint is true under oath per 28 USC Sec 1746. To support denial of summary judgment, an issue of fact in dispute must be both genuine and material, i.e., one upon which a reasonable fact finder could base a verdict for the non-moving party and one which is essential to establishing the claim. *Anderson v. Liberty Lobby*, 477 U.S. 242, 248 (1986).

(Ps') are pro'se & per *Haines v Kerner*, 404 US 519 should be held to a more liberal standard than attorneys. (Ps') pray for "liberal standard".

Per facts, these are different than other lawsuit filed by (Ps') Case 22-cv-10918 EDM I *Nelson v Service Towing Inc. et al.*, contrary to (Ds')=defendants allegations, having to do with different facts and different dates. 1st incident can be summed up *infra* 3/11/20 illegal entry into (Ps') basement apartment.

On 3/10/20, Gov of MICHIGAN, (D) Warren Mayor Fouts, declared a "emergency" because of covid, Ex 30-32 pages, amending 2/26/20 emergency order, Ex 28 President Trump 3/20 Guidelines. Per 3/10/20 MI Gov Whitmer orders citizens not be on the street unless essential work. (Ds') activities alleged in complaint do not fit with "essential work" per Ex 30-32 pg. covid order.

(Ps') were "self-isolating" in Cleveland, OHIO, then a "low covid" state. (PT), then 64 "at risk" covid was diagnosed with prostate cancer, Ex 31 MetroHealth Cleveland OH doc and was getting ready for 40 days of radiation treatment. (PN) then 52, cancer survivor was told by her Dr @ EMU "don't come to MI as covid was going crazy". Even (D) Fouts Ex 30 2/26/20 Emergency Orders state "don't come to overwhelmed hospitals" and news releases (PN) Ex 25 pg. 1 Affidavit @ para 4. Per Ex 17 (PN) Driver's License, Ex 14 mail, home was 7568 Hudson Ave Warren MI, Ex 2 lease. (PT) Thrower-though an OH resident also made 7568 Hudson Ave Warren Mi basement apartment his home when in town per Ex 3

lease, as manager of apartment building owned by Saint Anthony the Great Orthodox Monastery Ex 34.

Incident One- 3/11/23 illegal entry into (Ps') resident 7568 Hudson Ave Warren MI basement apartment. See 2nd Amended Complaint ECF 29, para=p 30-50 surmised infra

- 1) (Ds') city of Warren employees Scott, Warack, Kijewski, Cummins, Lipa, Murphy, Ghanam entered property 7568 Hudson Ave Warren MI through the driveway side security gate door, Ex 32 pic of door- pg. 1-2, then entered a 2nd steel door, proceeded to the basement and entered a 3rd steel door all secured by dead bolts -all locked at all time & entered into (Ps') basement apartment through a 4th door secured by a dead bolt on 3/11/23.
- 2) (Ps') do not want to speculate on how (city of Warren employees Ds') gained access through the 3 steel doors and 4th deadbolt door.
- 3) (Ds') took pictures dated 3/11/20 after entry of the basement apartment. See Ex's 9 pg. 1-2, 10 pg. 1-2, Ex 11 pg. 1-4 all Time stamped.
- 4) Basement apartment was occupied by (Ps') See Ex 2, 3 leases of PN, PT.
- 5) The US Supreme Court in *Los Angeles v. Patel*, 576 U.S. 409 (2015), held that a Los Angeles law, ... is facially unconstitutional under the Fourth Amendment to the United States Constitution because it does not allow for pre-compliance review." Court ruled that speculative "safety issues" are not

enough for warrantless entry for city officials to gain entry for inspection without warrant.

- 6) (Ps') were never asked for entry permission.
- 7) No administrative warrant was issued for entry
- 8) "Implemented 2/26/20", city of Warren through (D) Mayor Fouts, "COVID-19 Preparedness and Response Plan", Ex 30 pg. 1-32 mirroring Governor Whitmer response plan emergency only allowed certain people on the street whose occupations corresponded with fighting covid. (Ps') aver that (Ds') are not included in that list.
- 9) Per *Nili 2011 LLC v City of Warren et al* EDM I Case No. 15-cv-13392 Ex 12 (D) city of Warren MI signed a "consent decree" that an "administrative warrant" would be sought after refusal of entry @ para 12. "Otherwise, without the opportunity precompliance review, there exists an 'intolerable risk' that searches authorized by an ordinance will exceed statutory limits or be used as a pretext to harass individuals" *Patel*, 135 SCt 2452-53, *MS Rentals, LLC v City of Detroit*, EDM I. No 17-1907, *Smith et al., v City of Detroit, et al.* EDM I infra. (Ps") aver a "custom and policy" perpetrated by (D) Dwyer, (D) Mayor Fouts, "policymakers" to violate Constitutional rights, including illegal search and seizure. The plaintiffs in *NILI LLC v Warren*, Case No. 15-cv-13392 EDM I Ex 12, even after consent decree sued again in Michigan state court for the same violations of civil rights,

including telling renters not to pay rent in uncertified properties, WAYNEVEST, LLC, INVESTMENT REALTY SERVICES, LLC, and CHRISTOPHER L. GARNER, UNPUBLISHED July 9, 2020 Plaintiffs-Appellants, **CITY OF WARREN**, No. 349468 Macomb Circuit Court LC No. 2018-4340-CZ Defendant, and ... as (D) Scott told another 7568 Hudson Ave renter “not to pay rent”. See *Monell v Dept of Soc Serv, NY*, *infra*, created a pathway for civil rights plaintiffs to seek money damages against a city. *Pembaur v Cincinnati, infra* “Monell reasoned that recovery from a municipality is limited to acts that are..acts ‘of ..municipality has officially sanctioned ...4 ..avenues..plaintiff can allege unconstitutional actions of the municipality. 1st (P) may allege..entity has a unconstitutional policy..written or unwritten, so long as they can properly be attributed to the policymaker’”. Ps’ allege per filings and facts “entity (D) city of Warren has an unconstitutional policy”, entering property & curtilage without permission or warrant. (D) Fouts, (D) Commissioner Dwyer are “policymakers”. See Ex 27 spells out that Dwyer is “policymaker”. “Policymakers are ..elected officials..those defined as policymakers by state law. ..causation. If a subordinate employee is the party responsible for the deprivation of rights, the local entity ..be responsible if a certain policy was a ‘moving force’ behind their action. 2nd a local entity may be liable under Sec 1983 for unconstitutional customs and practices...advantageous to a civil rights

plaintiff when no policymaker can be identified...3) if a policymaker delegates..authority to a subordinate employee..or.. Approves of unconstitutional actions, the act can be said to..be ‘act of the municipality’ by adoption. 4) Civil rights plaintiffs may allege deliberate indifference. ..avenue applies to single-incident-type injustices and concerns the city..failure to hire, train, or supervise its employees... policymaker’s .. are aware of...risk and grossly neglect to address it..Blatantly unconstitutional policies are rarely authorized by city councils...” *Monell v Dept of Soc Serv of NY*, 436 US 658, 691, *St Louis v Praprotnik*, 485 US 112, 113. Indeed after (Ps’) cars were towed 7/7/21, and (D) Scott preformed “citizen’s arrest” 7/8/21, (D) policymaker Mayor Fouts stated in Ex 13 “Warren Weekly 7/14/21 “warren tracks down bad landlord”, “announcing the arrest of Facebook, (D) Fouts added”, I.e. arrest by illegal citizen’s arrest by (D) Scott @ STI Towing conspiring with STI employees (D) Hertz Brothers, Randy Sullivan, indicating (D) Fouts approval &/or complicity. “(D) Fouts said (D) Public Service Director Gus Ghanam, Warren Property Maintenance...(D) Robert Scott, ... (D) Jim Cummins were also involved in the investigation... pledges he made during his State of the City remarks last month”. Hence (D) Fouts, “policymaker-mayor” targeted (Ps’) 6/21-state of the city address and culminated with 7/7/21 towing cars, and (PT) “citizen's arrest” by (D) Scott, as (D) Fouts said, 7/8/21, making city of Warren liable & (D) Fouts

(D) Fouts, “policymaker-mayor” targeted (Ps’) 6/21-state of the city address and culminated with 7/7/21 towing cars, and (PT) “citizen's arrest” by (D) Scott, as (D) Fouts said, 7/8/21, making city of Warren liable & (D) Fouts liable, via “deliberate indifference” “failure to train” & “policy”. “A ‘policy’ is a deliberate choice to follow a course of action made from among various alternatives by the official ... responsible for establishing final policy ...even if constitutional violations occur only once” *Pembaur v Cincinatti* 475 US 469. 478 & n. 6. I.e., (D) Fouts stated his “policy” at 6/24/21 “state of city” remarks & lauded the results 7/14/21 in Warren Weekly *supra*.

- 10) The private party STI, AT LLC, Hertz Bros, Randy Sullivan*-ID Doe, are sued for acting with state officials towing cars off private property without warrant and scheming with (D) Scott to stall (PT) at STI tow yard when (PT) came to pick up towed vehicles 7/8/21.
- 11) (Ps’) aver that (Ds’) Scott, Kijewski, Cummins, Warack, Lipa, Murphy, Ghanam, et al did not wear gloves & masks when entering basement apartment 3/11/20.
- 12) (Ps’) did not find out that (Ds’) Scott, Kijewski, Cummins, Warack, Ghanam, Cummins, Lipa, Murphy, et al entered basement apartment until 5/22 , 6/22 for PN. (Ps’) attempted to AMEND facts into case #22-cv-10918, *Nelson v Service Towing Inc.*, and same was denied. It is well settled

Griffin v County School Board of Price Edward County, 377 US 218. Per a review of the facts in case *sub judice*, show date of incidents are 3/11/20- for the illegal entry into (Ps') basement apartment, 7/7/21, the date of towing 2 cars that are DIFFERENT VEHICLES of the 4 cars towed in Case #22-10918, & 7/8/21 incident when (PT) attempted to retrieve cars from (D) Service Towing Inc=STI, Able Towing LLC= AT LLC, when (D) Scott physically assaulted (PT and preformed a citizen's arrest). See Ex 26: (PT) affidavit stating same rewritten herein..

- 13) it is well settled law that a warrant must issue to enter private property per the 4th Amendment of US Constitution applicable to the states via the 14th Amendment. (Ds') actions violate well established law that would not grant them immunity. (Ds') were advised by city attorney (D) Mary Michaels, Trembath (Ps') aver. (Ds') Scott, Kijewski, Cummins, Lipa, Murphy, Cummins, Ghanam, entered basement apartment, see Ex 9-11 time stamped pics 3/11/20 after (D) Mayor Fouts, Governor had declared an emergency in re covid 2/26/20, amended 3/10/20 Ex 30 pg. 1-32 Emergency Order in re covid where only emergency essential persons could be in the street. Citizens were ordered to "harbor in place". Yet (Ds')-city Warren employees use this opportunity to break into (Ps') basement apartment. Per No. 17-1907 *Smith, et al. v. City of Detroit*, et al. EDM I -6- inferences from that evidence in the light most favorable to the non-moving

party.” Id. (quoting *Ciminillo v. Streicher*, 434 F.3d 461, 464 (6th Cir. 2006)). Government officials are immune from civil liability under 42 U.S.C. § 1983, provided “their conduct does not violate clearly established statutory or constitutional rights of which a reasonable person would have known.” *Pearson v. Callahan*, 555 U.S. 223, 231 (2009). To determine whether a government official is entitled to qualified immunity, we analyze (a) whether the facts, when taken in the light most favorable to the party asserting the injury, show the officer’s conduct violated a constitutional right; and (b) whether that constitutional right was clearly established such that a “reasonable official would understand that what he is doing violates that right.” *Saucier v. Katz*, 533 U.S. 194, 202 (2001). (Ps’) aver that the 4, 5, 14 Amendment US Constitution are well settled law. Indeed, per Ex 12 *NILI 2011 v City of Warren EDM I supra @ para 12* of “consent decree”, the city of Warren agreed to seek an “administrative warrant” if they were refused entry. On 3/20/20 Gov Whitmer issued retroactive emergency orders in re covid statute of limitations, 3) Per Michigan state law of trespass, Trespass §600.5813 – six years “statute of limitations” also MI code “breaking and entering”. (Ps’) use this “statute of limitations”, 6 year to state their 4, 14th Amendment claim the state statute that most closely resembles the civil rights infraction at issue. *Thompson v Clark, infra*, per covid tolling statute 3/10/20, thru 6/22/20, the 3 year Statute of limitations

for the illegal entry of the property would be 6/22/23, including extra 102 days. This action was filed 7/5/23. However, (Ps') aver that 1) Court could use the "discovery rule" as (Ps') did not know (Ds') had entered their apartment 3/11/20 until 8/21, 4/22. 2, further, the MI statute of limitations for trespass is 6 years & (Ps') aver that they can proceed under that statute of limitations in re their "4th Amendment claim", the state law statute of limitations that most closely resembles the federal civil rights infraction. See *Thompson v. Clark*, 596 US ____ (2022). " In *Thompson*, the petitioner had been arrested and charged with obstructing governmental administration and resisting arrest after police entered his Brooklyn apartment without first obtaining a warrant. ..petitioner sued for damages against the police officers who had arrested and charged him. He alleged several claims for violations of his constitutional rights under 42 USC § 1983, including one for "malicious prosecution," purportedly under the Fourth Amendment. ... Congress enacted 42 USC § 1983 in 1871, which created a private right of action against individuals and entities who, under color of law, violate a plaintiff's federal constitutional rights. The majority found that, in determining the elements of claims brought under § 1983, the Court's practice is to compare the elements of the most analogous tort as of 1871 to the § 1983 claim at bar, so long as doing so is consistent with the values and purposes of the constitutional right at issue. As a result, it compared the

petitioner's Fourth Amendment claim to the elements of the common law tort of malicious prosecution as it existed in 1871." Per FACTS entering property 3/11/20 along with trespass, breaking and entering with a statute of limitations of 6 yrs.. most closely analogous under Michigan code. "

MICHIGAN PENAL CODE Act 328 of 1931. "750.115 Breaking and entering or entering without breaking; buildings, tents, boats, railroad cars; entering public buildings when expressly denied. Sec. 115. (1) Any person who breaks and enters or enters without ..."

- Per the record when (Ds') 3/11/20 entered (Ps') apartment emergency orders in effect due to covid and said orders told citizens not to leave their homes. see governor order *infra* March 23, 2020 *EXECUTIVE ORDER No. 2020-21 "Temporary requirement to suspend activities that are not necessary to sustain or protect life...* On March 10, 2020, the Michigan Department of Health and Human Services identified the first two presumptive-positive cases of COVID-19 in Michigan. On that same day, I issued Executive Order 2020-4. This order declared a state of emergency across the state of Michigan under section 1 of article 5 of the Michigan Constitution of 1963, the Emergency Management Act, 1976 PA 390, as amended, MCL 30.401-.421, and the Emergency Powers of the Governor Act of 1945, 1945 PA 302, as amended, MCL 10.31-.33. A statute of limitation sets forth the time limitation for bringing a lawsuit for a claim that

has already accrued and normally begins to run at the time the claim accrues.

A claim generally accrues at the time the wrong upon which the claim is based was done, regardless of when damage results. MCL 600.5827. A statute of repose sets forth the time period after which a person cannot file a lawsuit even if the claim did not accrue or could not have been discovered during that time period. Here are the limitations and repose periods for common civil causes of action in Michigan:

5) (Ds') per FACTS same rewritten herein (Ds') are involved in a continuing violation of the (Ps') 4, 5, 14 Amendment right continuing to enter (Ps') property without search warrant extending the "statute of limitations" to the last "overt act", 7/7/21, 7/8/21 & 5/1/20 incident-illegal search and seizure towing 4 different cars in complaint 22-cv-10918, i.e., 4 incidents for a "pattern" of wrongdoing.

- "... there are exceptions to the general rule that statute of limitations runs from the time of the tort or breach though no damage occurs until a later time. One exception that practitioners .. is the continuing wrong doctrine.
- Under the doctrine, 'where there is a series of continuing wrongs,' the statute of limitations will be tolled to the last date on which a wrongful act is committed. *Henry v. Bank of Am.*, 147 A.D.3d 599, 601 (1st Dept. 2017). If the continuing wrong doctrine applies, it "will save all claims for recovery of

damages but only to the extent of wrongs committed within the applicable statute of limitations.” *Id.*...

- The application of the continuing wrong doctrine must “be predicated on continuing unlawful acts and not on the continuing effects of earlier unlawful conduct.” *Id.* It therefore distinguishes “between a single wrong that has continuing effects and a series of independent, distinct wrongs.” *Id.* .. Thus, the doctrine is inapplicable where there is one tortious act and “continuing consequential damages” that arise therefrom. *Town of Oyster Bay v. Lizza Indus., Inc.*, 22 N.Y.3d 1024, 1032 (2013).
- 4) “statutes of limitations cannot prevent a plaintiff from challenging enforcement of an unconstitutional statute. See *Kuhnle Bros., Inc. v. Cty. of Geauga*, 103 F.3d 516, 522 (6th Cir. 1997) (“The continued enforcement of an unconstitutional statute cannot be insulated by the statute of limitations.”). Every day the Ordinance remains enforced creates a new harm to Hart, because he is threatened with an unconstitutional search of his property if he ever contemplates selling it. *Kuhnle Bros.*, 103 F.3d at 522. See also *Calvary Chapel Bible Fellowship v. Cty. of Riverside*, No. 5:16-cv-0...”, indeed (Ds’) entered (Ps’) apartment 3/11/20, curtilage of (Ps) apartment, 3/17/20, 5/1/20, 7/7/21, it appears that (Ds’) think their interpretation of the law allows them to enter private property at anytime they see fit, i.e., an “unconstitutional interpretation” of the law. All these

would extend the “statute of limitations” from 6/22/20, to the action file date of 7/5/23.

Assault and Battery: 2 year limitation period;..... (D) Scott “assault and battery” on (PT) was 7/8/21, (PT) filed within 2 years, + 102 days for covid “statute of limitation's” “stay” infra.

General Negligence: 3 year limitation period.”, action sub judice, was filed 7/5/23, before the 2 year statute of limitations for “assault and battery” 7/8/23 and within the 3 year statute of limitation for towing (Ps’) vehicles 7/7/23.

- The Michigan Supreme Court then issued a subsequent Order, No. 2020-18. This order came into effect on June 20, 2020 and rescinded Order No. 2020-3. The order states, "For time periods that started before Administrative Order No. 2020-3 took effect, the fillers *shall have the same number of days* to submit their filings *on June 20, 2020*, as they had ...on March 23, 2020." This order meant that any day *within* the state of emergency did not count toward determining the last day of a statute of limitation period. *Carter v DTN Mgmt Co*, ___ Mich App __; 2023 WL 439760 (Jan. 26, 2023) p.4.
- *Carter* interpreted March 10, 2020 as a date that was *within* the state of emergency, even though the Administrative Order came into effect on March 23, 2020. The Court reasoned, "[T]he Supreme Court...broadly excluded *any day within* the state of emergency for purposes of determining the deadline."

Carter, slip op at 4. So, although the order came into effect on March 23, 2020, March 10 is within the state of emergency, for tolling purposes. The limitations period runs from March 10, 2023 to June 20, 2020. As a result, Plaintiffs get 102 more days to file their complaint.

What is the Discovery Rule? This also would apply to (Ps') to make timely filing.

There are times when a person is unable to discover that they have been injured. For example, a fraud or harm against another person is not easily discoverable and can only be detected after time reveals the nature and scope of the fraud or injury. It wouldn't be fair or reasonable to require the injured party to file a lawsuit when they could not have detected the injury. As a result, in some instances the Michigan statute of limitations begins to run from the time the injured party discovers or should have discovered that they have been injured.

It was impossible for (Ps') to know that (Ds') Scott, Kijewski, Lipa, Cummins, Murphy, Ghanam, et al., entered their apartment until 8/21, 6/22.

14) (Ds') Trespassed on (Ps') residence, 750.552 Trespass upon lands or premises of another; exception; violation; penalty; Sec. 552. (1) Except as otherwise provided in subsection (2), a person shall not do any of the following: (a) Enter the lands or premises of another without lawful authority after having been forbidden to do so by the owner or occupant or

the agent of the owner or occupant. (b) Remain without lawful authority on the land or premises of another after being notified to depart by the owner or occupant or the agent of the owner or occupant. (c) Enter or remain without lawful authority on fenced or posted farm property of another person without the consent of the owner or his or her lessee or agent. A request to leave the premises is not a necessary element for a violation of this subdivision. This subdivision does not apply to a person who is in the process of attempting, by the most direct route, to contact the owner or his or her lessee or agent to request consent....” There is no exception for (Ds’) entering property, and or curtilage. The federal law must look to state law to obtain the closest analogous statute, which would be MICHIGAN trespass or breaking and entering statute with a “statute of limitations” of 6 years. When (Ds’) entered basement apartment 3/11/20 it was not understood how covid was transmitted, how long it lived on surfaces and the dangerousness of same.

City of Warren (Ds’) have raised the statute of limitations on this 3/11/20 illegal entry. When (Ds’) entered the property the (Ps’) were not informed. Covid was an issue per Ex 30, Gov emergency orders and (Ps’) could have taken cleaning action. (P) was not given any building code violations for the illegal entry citing any issues with basement.

Michigan's Statute of Limitations for Personal Injury Lawsuits

A law called a "statute of limitations" sets a deadline on your right to file a lawsuit against the person or company you believe is responsible for your injury.

In Michigan, you have three years to bring a personal injury lawsuit to court. If you don't get your lawsuit started in time, the court will almost certainly dismiss it. In most situations, the three-year "clock" starts on the date of your accident, but if you don't "discover" right away that you've been injured, the three-year "clock" might start running on the discovery date instead.

You'll find the Michigan statute of limitations for personal injury cases at Michigan Compiled Laws section 600.5805.

Hence, the 3 yrs. at the earliest would have started per "discovery rule" was 8/21, 6/2022, & (Ps') promptly attempted to amend into case 22-cv-10918, *Nelson v Service Towing Inc. & same was denied.*

(PN) was not notified (Ds') entered her apartment until 6/22, when she researched, read and signed AMENDED COMPLAINT which was denied in Case 22-cv-10918, EDM, attempt to add additional claims which are articulated here.

Incident #II. Incident 2 Illegal towing 7/7/21 of (P) Thrower 2011 Silverado, (P) Nelson 2008 Honda Civic parked on concrete when (PN) in hospital being taken there by ambulance.

Para 52-66 ECF Amended Complaint same as if rewritten herein. Again these facts, dates have not been alleged in any other court filings.

If separate incidents as to time and facts are alleged they can be filed in a separate lawsuit. The 7/7/21 date is not included in any other lawsuit.

(P) Thrower arrived 7/7/23 7568 Hudson Ave Warren MI to mow grass-& lay cement drive. (Ds') Scott, Lipa, Badamente, Murphy, Cummins, Kijewski, Warack, Ghanam were notified. At this time per para 54 complaint

“54) (D) Scott, Gauss, Cummins, Badamente, Kijewski, Warrack, Lipa, Murphy, Ghanam, Does contacted the Warren Police Van Dyke substation and raided (P) Thrower address 7568 Hudson Ave Warren Mi and towed (P) Thrower 2011 Silverado with (D) Service Towing Inc (STI), Able Towing LLC (AT LLC) Hertz Brothers defendants, STI employee Sullivan, in the morning. At the time of the raid (P) Thrower avers he did not have any charges pending against him per court records. Defendants did not have a search warrant issued by a neutral judge upon entering the property in violation of the 4, 14th Amendment United States Constitution (USC).

55) (P) Thrower avers (Ds') Michaels, Trembath, Ross conferred with Judge Chumra to obtain a misdemeanor warrant 7/7/21-see Ex 1 order dated 7/7/21 for (P) Thrower arrest and tow “inoperable” vehicles. (Ps') aver Judge Chumra order was issued after towing, and after entering (Ps') home, residence property.

Per the record (PT) 2011 Silverado was towed Ex 5, 6 STI tow receipts, and (PN) 2008 Honda Civic. Both vehicles were “operable” contrary to 37th District Court Judge Chumra 7/7/21 order Ex 1. 4th, 5, 14th US Constitutional amendment law is clearly established. “right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures, shall not be violated, and no warrant shall issue, but upon probable cause, supported by affirmation”. The 4th Amendment includes “curtilage” around property as can be observed by the porch.

Ex 12, *NILI v City of Warren*, 15-cv-13392, consent decree “12. Equitable relief..city of Warren shall seek an administrative warrant for such inspection”.

Per Ex 1, 37th District Court 7/7/21 (Ds’) obtained a misdemeanor warrant for (PT) arrest on housing violations. (PT) lives in property but does not own the property, 7568 Hudson Ave Warren, rather it’s owned by 3rd party Saint Anthony the Great Orthodox Monastery, Ex 34, “Third Party Residences When the person named in an arrest warrant is located inside a residence owned by a third party, the rule is simple: Officers must obtain a search warrant or consent before making entry. Both the U.S. Supreme Court (*Steagald v. United States*) and the Michigan Court of Appeals (*People v. Stark*) have held that arrest warrants do not authorize entry into third party residences – even when officers are certain the wanted person is inside.” (PT) refused to exit residence so in “retaliation” (D) Scott, Warack,

Lipa, Cummins, Ghanam, Warren police, Captain Reichling, towed all cars on the property. The holding in *Steagald, People v Stark*, would interpret the “residence” as including the “curtilage”. *People v Stark*, 120 Mich. App. 350 (1982) 327 N.W.2d 474 *PEOPLE v. STARK GARDEN CITY v. STARK Michigan Court of Appeals*.

US v Steagald, 451 U.S. 204 (1981). It is not clear if the (D) Scott – a warren property & maintenance supervisor or Doe Warren police, Captain Reichling, Dwyer ordered (Ps’) cars towed for what reason. Per Ex 18, (PN) Honda had “blight” written on the windshield indicating that (Ds’) Warren city officials had same towed, even though Ex 1 Judge Chumra ordered “inoperable vehicles” towed, not “blight”, and licensed operable vehicles are “not inoperable” as Ex 1 Judge order 7/7/21 states issued without notice as a matter of fact and law. Regardless, (Ps’) aver 2 cars should not have been towed for blight or otherwise.

III) Per ECF 29 complaint p 87, CLAIM NUMBER THREE:

“87) Per facts same rewritten herein, (Ds) Scott, Gauss, Cummins, Bagalamente, Kijewski, Warack, Murphy, Lipa, Does, Michaels, Trembeth, Ghanam, towed 2 vehicles belonging to (Ps’).

CLAIM NUMBER 4 7/8/21 (PT) went to (D) STI to retrieve 2011 Silverado at 8:30 AM. (PT) was “stalled” at tow yard for over 30 minutes by (Ds) Hertz Bros., Randy Sullivan & these (Ds’) per earlier agreement notified (D) Scott to come to the tow yard since (PT) was picking up vehicle.

Per Ex (D) Fouts Press Release, 2/26/20 “We have implemented a public health management decision making training for all police...covid (p 3) residence can feel at ease knowing their ... number one priority..(D) Commissioner Dwyer..ensure your safety”, =policymakers. Yet 3/11/20 (Ds) Scott, Murphy, Cummins, Lipa, Warack, Kijewski, Ghanam are breaking into (Ps’) apartment and taking 3/11/20 Ex’s 9, 10, 11 pictures as proof., showing “failure to train”. (D) Fouts, claimed he “trained the Warren police..in re covid”, but not city worker (Ds’). I.e., “deliberate indifference”. “Warren to implement proper training for Warren police..city workers..Warren historically failed to train..” *Moldowan v Warren*, 157 F3d 351, 393-4.

(D) Robert Scott attacked (PT) assault & battery him, false imprisonment, kidnapping (PT) making alleged “citizen's arrest” at STI, AT LLC Tow yard after being stalled by (D) Hertz Bros &/or (D) Sullivan acting in concert, conspiracy, calling (D) Scott per prearranged plan shows liability under 42 USC Sec 1983, *Tower v. Glover*, 467 U.S. 914, 919 (1984); *Dennis v. Sparks*, 449 U.S. 24, 27 (1980); cf. *United States v. Price*, 383 U.S. 787, 794 (1966) (holding that, for purposes of finding liability under the criminal law analogue of section 1983, 18 U.S.C. § 242.

See ECF 29 p 67-80 complaint same as if rewritten herein.

Michigan codifies the statutory right for private persons to make a “citizen’s arrest” even if that person is not a sworn police officer. According to MCL 764.16, a private person may make an arrest in the following situations:

- (a) For a felony committed in the private person’s presence.
- (b) If the person to be arrested has committed a felony although not in the private person’s presence.
- (c) If the private person is summoned by a peace officer to assist the officer in making an arrest...”

Furthermore, MCL 764.20 requires “[a] private person, before making an arrest, shall inform the person to be arrested of the intention to arrest him and the cause of the arrest, except when he is then engaged in the commission of a criminal offense, or if he flees or forcibly resists arrest before the person making the arrest has opportunity so to inform him.”

(D) Scott did not do this-he attacked (PT) in STI garage

Michigan law prohibits the citizen’s arrest power for misdemeanor apprehensions A person who makes an unlawful arrest can be subject to civil liability if the person apprehended sues for assault and battery, unlawful imprisonment, civil rights violations or other intentional torts. This can result in a substantial monetary judgment against the arresting person. There may also be criminal liability for assault and battery, unlawful imprisonment or kidnapping leading to fines and

imprisonment if the prosecutor believes that the statutory arrest power doesn't apply to the situation.

People v Meyer, 424 Mich 143; 379 NW2d 59 (1985) – Michigan. See ECF 29 Claim #4: PageID 98, para 98 in re-claim for false arrest, a 4th 5, 14

Amendment violation of US Constitution, same as if rewritten herein, including “state created risk” (SCR) exposing (PT) to covid during “citizen's arrest”.

“(PT) filed a police report in re false arrest, ECF 29 p 79:

“79) Doe Warren police officers committed the crime of ‘failure to report a crime’ by not arresting (D) Scott #32 under Michigan law, ‘failure to fulfill this legal duty to report impeding someone from doing a crime and may be charged as a misdemeanor’, 80) (PT) made a police report on (D) Scott for Kidnapping, false arrest, assault & battery but to (PT) knowledge this was never prosecuted incident #21-33784”. All 3 incidents, 3/11/20, 7/7/21, 7/8/21 are in violation of the 4th. Amendment of United States Constitution, 5 Amendment applicable to states via 14th Amendment

- The Fourth Amendment protects “[t]he right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures.” U.S. Const. Am. IV. Unreasonable searches are unlawful, and, as a general rule, a warrantless search of a home or business is presumptively unreasonable. *Kentucky v. King* , 563 U.S. 452, 459, “The administrative scheme must give the property owner chance to challenge a warrantless

search request before being sanctioned for refusing entry." *Ibid.* Otherwise, without the opportunity for precompliance review, there exists an "intolerable risk" that searches authorized by an ordinance will exceed statutory limits or be used as pretext to harass individuals. *Patel* , 135 S.Ct.

- at 2452-53. *MS Rentals, LLC v. City of Detroit*, i.e., 4, 5, 14th US Constitutional violations 3/11/20 entering of (Ps') basement apartment, 7/7/21 towing of (Ps') 2 cars, & assaulting (PT) @ STI tow yard 7/8/21 & searching his bag
- Per *NILI 2011 v City of Warren*, the city of Warren entered into agreement to obtain "administrative warrant" to enter property.
- Taking (Ps') cars 7/7/21 violated the 4,5,14 Amendment of the United States Constitution . The 4th Amendment US Constitution is well settled law & personal property in violation of the 4th, 5th, 14th amendment united states constitution, Michigan constitution due process cl art 1 sec 17, art 1, sec 11, in re mower, grill.

(Ds') STI, AT LLC employees Hertz Bros., Randy Sullivan acted "in concert", "conspiracy" with state (Ds'), engage in conduct under "color of State law," and may be subject to liability under section 1983 where they "act jointly" or conspire with state government officials. See, e.g., *Brentwood Acad. v. Tenn. Secondary Sch. Ath. Ass'n*, 531 U.S. 288, 296 (2001); *Tower v. Glover*, 467 U.S. 914, 919 (1984); *Dennis v. Sparks*, 449 U.S. 24, 27 (1980); cf. *United States v. Price*, 383 U.S. 787, 794 (1966) (holding that, for purposes of finding liability

under the criminal law analogue of section 1983, 18 U.S.C. § 242, private individuals acting jointly with state officers engage in conduct “under color” of state law). All private defendants ABLE TOWING LLC, SERVICE TOWING INC., owners (D) EDWARD Hertz (deceased), DENNIS HERTZ. BRUCE HERTZ, SANDRAHERTZ and their JOHN DOE* employees=Randy Sullivan via agency law “act jointly” and / or “conspire with state government officials” *Brentwood Acad. V Tenn. Secondary Sch. Ath. Ass’n, supra* with City of Warren MI Property & Maintenance DIVISION, (D) ROBERT SCOTT, Michaels, JAMES CUMMINS, GUS GHANAM, Warack, Lipa, Murphy, Bagdalamente, Kijewski, Reichling, does, doe zoning division. (ds’) city of Warren Police DOES, all acting in their ‘individual capacities’ at all times per facts of this complaint and conspired with private towing company STI, AT LLC and Hertz Bros., Sullivan, employees.

I.Due Process: The due process clause of the Fourteenth Amendment ensures that no party will be deprived of property without notice and an opportunity to be heard at a meaningful time and in a meaningful manner. *Fuentes v. Shevin*, 92 S. Ct. 1983, .. Fourteenth Amendment protection of property has been broadly extended to "any significant property interest." *Boddie v. Connecticut*, 401 U.S. 371, 379, It is undisputed .. Uninterrupted use of one's vehicle is a substantial property interest, and that before "local government may so interrupt its use, ..owner is entitled to due process." *Bell v. Burson*, 402 U.S. 535, 539.

II. Per facts *supra* same as if rewritten herein (D)’s violated Ps’

II. US Constitution 4th *Amendment rights applicable to (Ps')* via the 14th

Amendment US Constitution

Plaintiffs allege taking of 2 vehicles off private property 7/7/21 registered, titled, plates issued, insured without notice, when courts were open, without court order is an improper seizure prohibited by 4th Amendment including taking personal property at same time. Fourth Amendment include protection of privacy against arbitrary invasion ... *United States v. Ortiz*, 422 U.S. 891, clear in *Jacobsen, supra*, explained ..first clause of Fourth Amendment "Protects two types of expectations, one involving 'searches,' other 'seizures.' ..'search' occurs when an expectation of privacy that society is prepared to consider reasonable is infringed. A 'seizure' of property occurs .. meaningful interference .. individual's possessory interests in that property." 466 U. S., at 113.

Horton v. California, 496 US 128, 133 (Ps') aver both "search" and "seizure" rights were violated. Private parties STI, AT LLC, Hertz Bros, Randy Sullivan acted in conspiracy/concert with city of Warren (Ds'). *Tower v. Glover*, 467 U.S. 914, 919 (1984); *Dennis v. Sparks*, 449 U.S. 24, 27 (1980); cf. *United States v. Price*, 383 U.S. 787, 794 (1966) (holding that, for purposes of finding liability under the criminal law analogue of section 1983, 18 U.S.C. § 242.

Per facts *supra* same as if rewritten herein issue and order Ds' violated (Ps')

United States Constitutional rights to Due Process and/or equal protections of the laws 4,5,14th amendment and violations of the Michigan Constitution Due

Process Cl Art 1 Sec 17, Art 1, Sec 11 per facts, in taking Ps' vehicles, violates Due Process Clause and Equal Protection Cl., 5 Amendment applicable Ps' via 14th Amendment US Constitution. See Ex 25, (PN) Affidavit para 7-12 infra:

"7) On 7/5/21, affiant took an ambulance to ASCENSION HSOPITAL 12 Mile & Hoover and was admitted for an infection.

8) Affiant pulled her 2008 Honda Civic behind house at 7568 Hudson Ave Warren MI.

9) Honda was operable

10) Affiant was informed be ALBERT THROWER-LANDLORD THAT Warren Police, Service Towing Inc. Robert Scott, James Cummins, and others had towed her car.

11) Upon obtaining release of her car affiant noticed paint was missing where SERVICE TOWING INC., had towed her car from the rear

12) When towing her car, Warren Building Inspector and Robert Scott took her mower, Weber grill, which pursuant to City Council Ordinance 4/28/21 (Ex 15 Warren Weekly 'Fire Pit Ordinance stands in Warren" dated 5/12/21) she was allowed to have. Affiant never received grill back and mower was broken when retrieved from Service Towing Inc., since thrown upside down in landlords 2011 Silverado which was towed at the same time." See 2nd Affidavit Ex 25, pg. 2 para 6-19, same as if rewritten herein. "12) Plaintiffs (PN) 2008 Honda was

marked 'blight' on the windshield by defendants", See Ex 18, Ex 21 (PN) Honda @ Speedway Gas station after removal from (D) STI tow yard-shows 'operable". Ex 22 shows "pattern" of violation of US Constitutional rights, "failure to train", where Warren, (D) Dwyer, city of Warren paid \$5000, for "false arrest", Haman v Dwyer et al., SDMI #11-13587. See affidavit (PT) para 10-14, same as if rewritten herein stating same. "10) On 7/7/21 affiant came to Warren MI to mow grass and install a concrete driveway. 11) ... (D) Robert Scott came to 7568 Hudson Ave and was screaming 'I want all vehicles towed'. Service Towing Inc. Employee said 'I can't get the Honda because it is behind the house parked at an angle. If I tow Honda, it will damage it. Robert Scott- was observed through the basement window and known to affiant, screamed 'I don't care, I want the Honda towed too'... 12) Affiant observed Honda when released from tow yard and back bumper was damaged as evidenced by Ex I (different filing) ..-pic of rear of Honda. 13) Honda was 'operable' and driven off tow yard 14) Affiant was never in court as 7/7/21 (Ex 1) order states, indeed per article (Ex 13, 7-14-21 Warren Weekly) says "he was arrested the next day at the tow yard' 7/8/21".

Per facts Judge Chumra 37th District Warren Court, 7/7/21 order to tow "inoperable vehicles" as a matter of fact and law was *void ab initio*, as issued "without notice and an opportunity to be heard". See ECF 29, para "61) (Ps') aver after towing (Ps') cars (Ds') Michaels, Trembath, Ross obtained Judge

Chumra CYA 7/7/21 (Ex 1) order to tow “inoperable vehicles”, indeed, pg. 1 bottom line states “IT IS ORDERED, THAT WITHIN TODAY days of order”. Order was never served on (Ps’). (PN) was in hospital 7/5/21-7/10/21. (PT) had just arrived that morning from OHIO to mow grass, cement work-in “operable” Silverado, when towed vehicles were “operable” and order was issued without a ticket being written and WITHOUT NOTICE to (Ps’) violating 4, 5, 14th Amendment US Constitution, See *Mullane v Central Hanover Bank & Trust Co.*, 339 US 306, ...” holding that “notice” has to be “meaningful”. See Ex 26 (PT) Affidavit in Support, Ex 25 pg. 1-3 (PN) Affidavit in Support. See Ex 4 \$169.99 Replacement mower, receipt since (Ds’) threw (PT) mower in Silverado upside down Ex 19 before towing, Ex 5, 6 STI receipts pg. 1-2 \$375, \$330 towing charges, Ex 7 Tire Replacement on Silverado since truck obtained flat tire @ STI tow yard. \$15 for gas to pickup mower from 21 Mile Menards, Ex \$100, pay (PN) to pickup mower, Ex 16 expenses incurred so far. “right to sell and occupy one’s residential home in Michigan is not merely a ‘governmental benefit’ but rather, it is extension of one’s private property rights-rights recognized by the Michigan Constitution & Michigan Supreme Court as ‘fundamental’ including curtilage” (citation omitted)

Ground V)

WHEREFORE, plaintiffs pray that (Ds’) motion to dismiss will be denied and (Ps’) MOTION FOR SUMMARY JUDGMENT WILL BE GRANTED

Respectfully submitted,



Albert Thrower pro'se Elizabeth Nelson pro'se

CERTIFICATE OF SERVICE

A copy of this brief has been mailed and emailed to below parties this 11/27/23

Rachel S Selina Esq
255 E Brown St #320
Birmingham MI 48009

Jennnifer MEAD
PO Box 806042
St Clair Shores MI
48080



INDEX OF EXHIBITS

- EXHIBIT 1 Judge Chumra 7/7/21 Order 37th District Court Warren
- EXHIBIT 2 Lease: PN-Plaintiff Elizabeth Nelson
- EXHIBIT 3 Lease: PT=Plaintiff Thrower
- EXHIBIT 4 8/1/21 Menards Mower Receipt
- EXHIBIT 5 STI 2008 Honda Receipt \$330 dated 7/7/21
- EXHIBIT 6 STI 2011 Silverado Receipt dated 7/7/21
- EXHIBIT 7 Regal Tire Receipt dated 7/16/21 "towed in"- flat tire @ STI Tow Yard \$75
- EXHIBIT 8 Pic (D) Mayor Fouts, (D) Robert Scott
- EXHIBIT 9 p 1-2 3/11/20 pic of furnace taken after illegal entry into (Ps') basement apartment
- EXHIBIT 10 p 1-2 3/11/20 pic in (Ps') basement apartment after illegal entry
- EXHIBIT 11 p 1-4 3/11/20 pic (Ps') basement apartment after illegal entry
- EXHIBIT 12 NILI 2011v City of Warren, EDMI class action
- EXHIBIT 13 7/14/21 Warren Weekly "Warren tracks down 'bad landlord'", "Warren Mayor (D) Jim Fouts said".
- EXHIBIT 14 Mail for (P) Elizabeth Nelson to 7568 Hudson Ave Warren MI 48091
- EXHIBIT 15 "Fire Pit ordinance stands in Warren", dated 5/12/21, yet city (Ds') take (Ps') grill 7/7/21, \$75
- EXHIBIT 16 List of Expenses Incurred so far as of 11/24/23
- EXHIBIT 17 (PN) Driver's License showing 7568 Hudson Ave Warren MI 48091
- EXHIBIT 18 Photo at (D) STI Tow yard (PN) Honda "blight" on windshield
- EXHIBIT 19 Mower @ scrapyard-since (Ds') threw upside down in (PT) truck
- EXHIBIT 20 (D) City of Warren bill for unidentified work 3/24/20 during covid,

EXHIBIT 21 (PN) Honda @ Speedway Gas station after removal from STI tow yard-shows “operable”

Exhibit 22 *Haman v Dwyer et al.*, EDM Case #11-13587, shows false arrest-not training officers, “pattern”

Exhibit 23 March 2022 Warren Flyer, (D) Fouts, “Prepared not Scared”

Exhibit 24 pg 1-2 (D) Mayor Fouts, Press Release -references “State of the City reception June 24, 2021”, getting city employees fired up which led to (D) Scott attacking (PT) @ STI Tow yard

Exhibit 25 pg 1-3 Affidavit of Elizabth Nelson (two affidavits)

Exhibit 26 pg 1-2 Affidavit of Albert Thrower

Exhibit 27 pg 1-13 Agreement spells out that Warren Police Commissioner Dwyer is “policymaker”

Exhibit 28 PRESIDENT TRUMP CORONAVIRUS GUIDELINES 3/16/20

Exhibit 29 Pic of (PT) 2011 Silverado towed 7/7/21 pg 1-2

Exhibit 30 2-6-20, amended 32 pges. 3-10-20 Michigan Governor Whitmer “covid emergency order”

Exhibit 31 Cleveland MetroHealth Cancer documentation 3/20 for (P) Thrower

Exhibit 32 Picture SIDE DOOR where (Ds’) entered 7568 Hudson Ave 2 pages

Exhibit 33 Deed, and side lot transfer “St Anthony the Great Monastery”

Exhibit 34 Deed shows Saint Anthony Monastery owns property

Exhibit 35 “Other acts Warren police”, shows “pattern”, “This video sickening”

STATE OF MICHIGAN
IN THE 37TH JUDICIAL DISTRICT COURT

CITY OF WARREN,

Plaintiff,

v.

Case No. 428065
4028048
4025638
Hon. John M. Chmura

Albert Dudley Thrower

(Defendant's Name)

7568 Hudson

(Address)

Warren, MI 48089

(City, State, Zip)

313-319-7370

(Telephone Number)

Defendant.

Albert Dudley Thrower /

ORDER TO CLEAN UP PROPERTY

7568 Hudson

(Insert Address)

WARREN, MICHIGAN

At a session of said court held in the
City of Warren, County of Macomb and State of Michigan
on 07/07, 2021.

Present: Hon. John M. Chmura

District Court Judge

This matter having been heard on 07/07/2021, for violation of the
(Court Date)
City of Warren Section(s) (1) 308.1, Junk on property, (2) 302.5, Rodent Harborage
(Insert section numbers and identify the code—zoning, property maintenance, etc.)
(3) 308.2, Disposal of rubbish

Ordinances, and Defendant having appeared before this Court, and been found
responsible for the violation(s), this Court orders that the property be cleaned as more
particularly set forth in this Order, and Court being otherwise duly advised in the
premises;

IT IS ORDERED, that within Today () days of this Order, Defendant shall
(number of days)
comply with the conditions set forth in this Order. The property is described as:

7568 Hudson 12-13-33-278-030

(Address, Legal Description, Parcel Identification Number)

EX M P 1

EX 1
P 1

The entire Property is to be cleaned and cleared of All debris including,
outdoor furniture, wood, metal, plastic, cardboard, overflowing garbage, bags of
garbage, inoperable vehicles, rodent harborage.

any and all junk and debris scattered on or about the front, rear, and side yards of the Property, and any overgrown or dead vegetation, from the Property and/or the fences.

IT IS FURTHER ORDERED, that in the event the Defendant fails to comply with the above requirements, the City of Warren may enter the Property and conduct any work necessary to comply with this Order.

IT IS FURTHER ORDERED, that the City may assess and collect all costs of such work necessary to comply with this Order, and may assess and collect all costs of such work and removal from the Defendant or otherwise lien the Property through any lawful remedy.

IT IS FURTHER ORDERED, that Defendant pay fines and costs in the amount of \$ TDB.

IT IS FURTHER ORDERED, that Defendant may be held in contempt of Court for the failure to comply with this Order, and may be ordered to appear before this Court and show cause why he should not be held in contempt of this Court and subject to penalty of this Court.

This Court shall retain jurisdiction to enforce the provisions of this order.


District Court Judge

JOHN M. CHMURA

EX **A** p 2

EX 1
p 2



RENTAL AGREEMENT

THIS IS A LEGALLY BINDING CONTRACT.
IF NOT UNDERSTOOD, CONSULT AN ATTORNEY.

The Tenant(s) known as Elizabeth Nelson hereby agree to rent the dwelling located at 2568 Hudson Ave Lower Warren MI 48091

The premises are to be occupied by the above named tenants only. Tenant may not sublet premises.

TERM The term shall commence on 3-1-18 at \$ 600 per month payable on the 1st of each month in full.

LATE FEES In the event rent is not paid by the (5th) day after due date, Tenant agrees to pay a late charge of \$ 10

UTILITIES Tenant shall be responsible for the payment of the following utilities: water, electric, gas, heating fuel, Telephone. owner

APPLIANCES Appliances provided in this rental are: stove, refrigerator, dishwasher, washing machine, dryer, air conditioner(s). Repairs will be born by said Tenants if damage is due to negligence of Tenants.

SECURITY Amount of security deposit is \$ NA. Security shall be held by Landlord until the time said Tenants have vacated the premises and Landlord has inspected it for damages. Tenant shall not have the right to apply Security Deposit in payment of any rent. Security deposits must be raised proportionately with rent increases.

INSURANCE Tenant is responsible for liability fire insurance coverage on premises. Tenant agrees to obtain a "Renter's Insurance" policy and to provide Owner or agent with a copy of policy within seven (7) days of lease execution.

NOTICES Should tenant decide to vacate the premises, a 10 day written notice to the landlord is required. Should landlord decide to have tenants vacated, a 10 day written notice is required. Tenant agrees to allow premises to be shown at any and all reasonable times for re-rental.

REAL ESTATE COMMISSION (If applicable) In the event a commission was earned by a real estate broker, Tenant shall not take possession of the premises unless all fees due broker are paid in full as agreed. Commission is payable when this lease is signed by the Tenant(s). It is solely for locating the rental for the Tenant and is not refundable under any circumstances regardless of any disputes or conditions between the Landlord and Tenant before or after occupancy is taken.

ACKNOWLEDGMENT Tenants hereby acknowledge that they have read, understand and agree to all parts of this document, and have received a copy.

	AMOUNT RECEIVED	BALANCE DUE
RENT :	<u>600</u>	
SECURITY:		
BROKER'S FEE:		

THE UNDERSIGNED TENANT(S) ACKNOWLEDGES RECEIPT OF A COPY HEREOF.

DATE: 3-10-2018

OWNER/AGENT

St Anthony the

ADDRESS Great Orthodox

PHONE Monrovia

TENANT

TENANT

PHONE

Elizabeth Nelson

Elizabeth Nelson

Ex C Ex 2

Case 2:22-cv-10918-MFL-APP ECF No. 74, PageID.1194 Filed 06/06/23 Page 83 of 144

**RENTAL AGREEMENT**THIS IS A LEGALLY BINDING CONTRACT.
IF YOU ARE UNHAPPY, CONSULT AN ATTORNEY.

The Tenant(s) known as

Albert Thrower

hereby agree to rent the dwelling

located

The premises are to be occupied by the above named tenants only. Tenant may not sublet premises.

TERM The term shall commence on 6-1-14 at \$ 100 per month payable on the 1 of each month in full.LATE FEE In the event rent is not paid by the 15th day after due date, Tenant agrees to pay a late charge of \$

UTILITIES Tenant shall be responsible for the payment of the following utilities: water, electric, gas, heating fuel, Telephone.

APPLIANCES Appliances provided in this rental are: stove, refrigerator, dishwasher, washing machine, dryer, air conditioner(s). Repairs will be born by said Tenants if damage is due to negligence of Tenants.

SECURITY Amount of security deposit is \$. Security shall be held by Landlord until the time said Tenants have vacated the premises and Landlord has inspected it for damages. Tenant shall not have the right to apply Security Deposit in payment of any rent. Security deposits must be released proportionately with rent increases.

INSURANCE Tenant is responsible for liability insurance coverage on premises. Tenant agrees to obtain a "Renter's Insurance" policy and to provide Owner or agent with a copy of policy within seven (7) days of lease execution.

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REAL ESTATE COMMISSION (If applicable) In the event a commission was earned by a real estate broker, Tenant shall not take possession of the premises unless all fees due broker are paid in full as agreed. Commission is payable when this lease is signed by the Tenant(s). It is solely for locating the rental for the Tenant and is not refundable under any circumstances regardless of any dispute or conditions between the Landlord and Tenant before or after occupancy is taken.

ACKNOWLEDGMENT Tenants hereby acknowledge that they have read, understand and agree to all parts of this document, and have received a copy.

	AMOUNT RECEIVED	BALANCE DUE
RENT:	<u>100</u>	<u> </u>
SECURITY:	<u> </u>	<u> </u>
BROKER'S FEE:	<u> </u>	<u> </u>

+ Management Duties

* Albert Thrower live in ANY

Available Apartment

THE UNDERSIGNED TENANT(S) ACKNOWLEDGES RECEIPT OF A COPY HEREOF.

DATE: 6-1-14

OWNER/AGENT

Saint Anthony
the GREAT MONASTERY

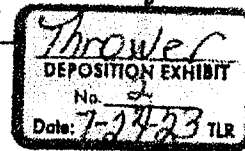
ADDRESS

PHONE

TENANT

TENANT

PHONE



EX 3



Store# 3299 CHST 08/01/21
 45500 Market Place Blvd.
 Chesterfield, MI 48051
 FAX: (586) 464-2286
 EMAIL: CHSTHardware@menards.com
 Sold By: Online Sale
 Purchase Date: 07/31/21
 Location: AISLE 1 S BAY

GUEST NAME - ADDRESS - PHONE

Saint Anthony Monastery
 1312 W 89th St
 Cleveland, OH 44102
 Ph#(216) 856-6626

EMAIL: stanthonymonastery@gmail.com
 JOB DESC:

Scan Barcode at Order Pickup Entrance

CHST 70407



GATE PASS COPY - PICKING TICKET

PAGE 1 OF 1

QTY SOLD	DESCRIPTION	SKU NUMBER	UNIT PRICE	EXTENDED PRICE	QTY PICKED-UP	QTY NOT PICKED-UP
1	EACH 20" 2N1 PULSAR PUSH MOWERPTG12205BM Vendor Part #: PTG12205BM Color: Black/Gray Pulsar 20" 150cc Gas Push Lawn Mower	270-3838	169.99	169.99	0	1
SUB-TOTAL				169.99		

EX F

If this is a partial pickup, please verify all quantities / items being signed for.
 Menards is not responsible for shortages after leaving the yard.

THIS IS NOT A RECEIPT

EX 4



EX 5

CONSOLIDATED DOCUMENT SOLUTIONS LLC - FRASER, MI 48026 - (586) 293-8100 4283296

332301

586-756-9500

HERTZ BROS.

SERVICE TOWING, INC.24 Hour Towing and Road Service
Heavy Duty Truck Towing

6006 RINKE

WARREN, MICHIGAN 48091

Date 7-11-21Name John J. [unclear]Address 22 [unclear]City Warren, Michigan

MPC-1

Called by [unclear]MAKE OF CAR 2011 Chevy Impala INS. CO. [unclear]LICENSE NO. 3A14025 CH STOCK NO. [unclear]TROUBLE Brake Tapered CLAIM NO. [unclear]VIN#

1	G	K	C	1	C	X	1	1	4	3	5	1	0	7
---	---	---	---	---	---	---	---	---	---	---	---	---	---	---

TOWED FROM <u>7563 11 [unclear]</u>				TOW CHG.		
TOWED TO <u>6006 Rinke</u>				SERVICE CHG.		
MILEAGE		COLOR <u>white</u>		LABOR CHG.		
	YES	NO		YES	NO	
KEYS		<input checked="" type="checkbox"/>	CASSETTE			STORAGE
PLATES			WHEELS			PAID OUT
VIN GOOD			SPARE			DOLLEY USE
AM-FM			WHEEL COVERS			STATE FEE
CB						CITY FEE
REMARKS <u>[unclear]</u>						
DRIVER		TRUCK NO.		YARD LOCATION		Total

R.O.

P.O.

AUTHORIZED BY

EX 6

WE RECOMMEND THAT THE FOLLOWING CHECKED
ITEMS BE REPAIRED FOR IMPROVED CAR PERFORMANCE

- ☐ LF Tire ☐ RF Tire ☐ High Speed Balance ☐ Shock Absorbers
☐ LR Tire ☐ RR Tire ☐ Wheel Alignment ☐ Exhaust System
☐ Wheels ☐ Brakes

NOT RESPONSIBLE FOR LOSS BY FIRE, THEFT, OR ANY OTHER
CAUSE BEYOND OUR CONTROL. ALSO NOT RESPONSIBLE FOR
LOSS OF WHEEL COVERS AFTER VEHICLE LEAVES OUR PREMISES.

MOTOR VEHICLE REPAIR REGISTRATION NO.
F 106618

INVOICE
14719

REGAL TIRE CO.

23600 VAN DYKE • WARREN, MI 48089

PHONE: (586) 757-6326 • FAX: (586) 755-4504

www.regaltire.com

Tires • Tubes • Wheels • Precision Wheel Alignment
Shocks • Struts • High Speed Wheel Balancing

COOPER • GOODRICH • GOODYEAR • FIRESTONE • KELLY • DUNLOP

CLAIM NO.		PURCHASE ORDER NO.	
NAME			DATE
ADDRESS		PHONE	
CITY	STATE	ZIP	
YR. AND MAKE	LICENSE	MILEAGE	
CASH	CHARGE	DEBIT	AMEX
MC	VISA	DISCOVER	GY CARD
REBALE	LAWWAY		

TOTAL PARTS		SALES TAX		TOTAL PARTS INCL. TAX	
NO WARRANTY		SOLD		"AS IS"	
TOTAL					

STEMS ☐ LUG NUTS ☐

COMPUTERIZED HIGH SPEED STATIC
AND DYNAMIC WHEEL BALANCING ☐

FRONT WHEEL ALIGNMENT ☐

FLAT REPAIR ☐

ROTATION ☐

☐ DEMOUNT ☐ REMOUNT

☐ TIRE DISPOSAL

☐ Customer wants old tires or parts back

☐ ESTIMATE ONLY - No Sale or Work Performed

WARNING: REGAL TIRE HAS TIGHTENED ALL LUG NUTS
ON WHEELS WE SERVICED. HOWEVER, EXPERIENCE HAS
SHOWN THAT THEY MAY BECOME LOOSE AFTER DRIVING.
FOR YOUR SAFETY, YOU SHOULD RE-TIGHTEN ALL LUG
NUTS AFTER DRIVING 25-50 MILES.

X

I HEREBY AUTHORIZE THE ABOVE REPAIR WORK TO BE DONE WITH THE
NECESSARY MATERIAL AND GRANT PERMISSION TO OPERATE EQUIPMENT
FOR PURPOSE OF TESTING AND INSPECTION. EXPRESS MECHANIC'S
LIEN IS ACKNOWLEDGED TO SECURE THE AMOUNT OF REPAIRS.

Thank You for Shopping Here

NO GOODS HELD AFTER 90 DAYS • NO REFUNDS ON LAYAWAY FEE OF \$20.00 AFTER 90 DAYS • NO REFUNDS ON SPECIAL ORDERS

ROTATION SCHEDULE	DATE	DATE	DATE	DATE	DATE	DATE	DATE
	MILEAGE	MILEAGE	MILEAGE	MILEAGE	MILEAGE	MILEAGE	MILEAGE

Ex 7

COPING WITH THE PANDEMIC IN THE CLASSROOM/20A

WARREN
WEEKLY

GA
NEWSPAPERS
candgnews.com
SEPTEMBER 22, 2021
Vol. 41, No. 20

FREE
IMPLANT
CONSULTATION
SAME DAY
CALL NOW for appoint

Mayor demands vote on downtown

COUNCIL MEMBERS SAY QUESTIONS ABOUT FINANCING, LEGAL ISSUES MUST

BY BRIAN LOUWERS
brianlouwers@candgnews.com

WARREN — Will it be yea or nay? Will the question even be asked?

On Sept. 8, Warren Mayor Jim Fouts formally request-

ed a City Council vote on the proposed "Warren Towne Center" project. But before it can be considered, the council's leadership said questions about financial and legal issues must be answered.

Stay tuned. That all could happen at the Sept. 28 meeting, or not.

With the blessing of an initial \$30 million of bonds to be requested by the developers, the City Council must first get the approval of the Michigan State Development Authority before it can proceed.



Warren Mayor Jim Fouts and Sandy Bower, president of the Veterans Housing Program, stand on the porch of a house in Warren. The house is one of the homes that will be made available to veterans through the program. The house is located on Stephen Road and is one of the homes that will be made available to veterans through the program.

Pilot program tackles veteran

BY BRIAN LOUWERS
brianlouwers@candgnews.com

ROSEVILLE/WARREN — Welcome home. Welcome to hear when they finish serving their country. For many, that transition is anything but easy. Sandy Bower leads Vets Returning Home, a program that provides stability for veterans in distress. Bower and First State Bank on a program that makes them available and affordable for homeowners.

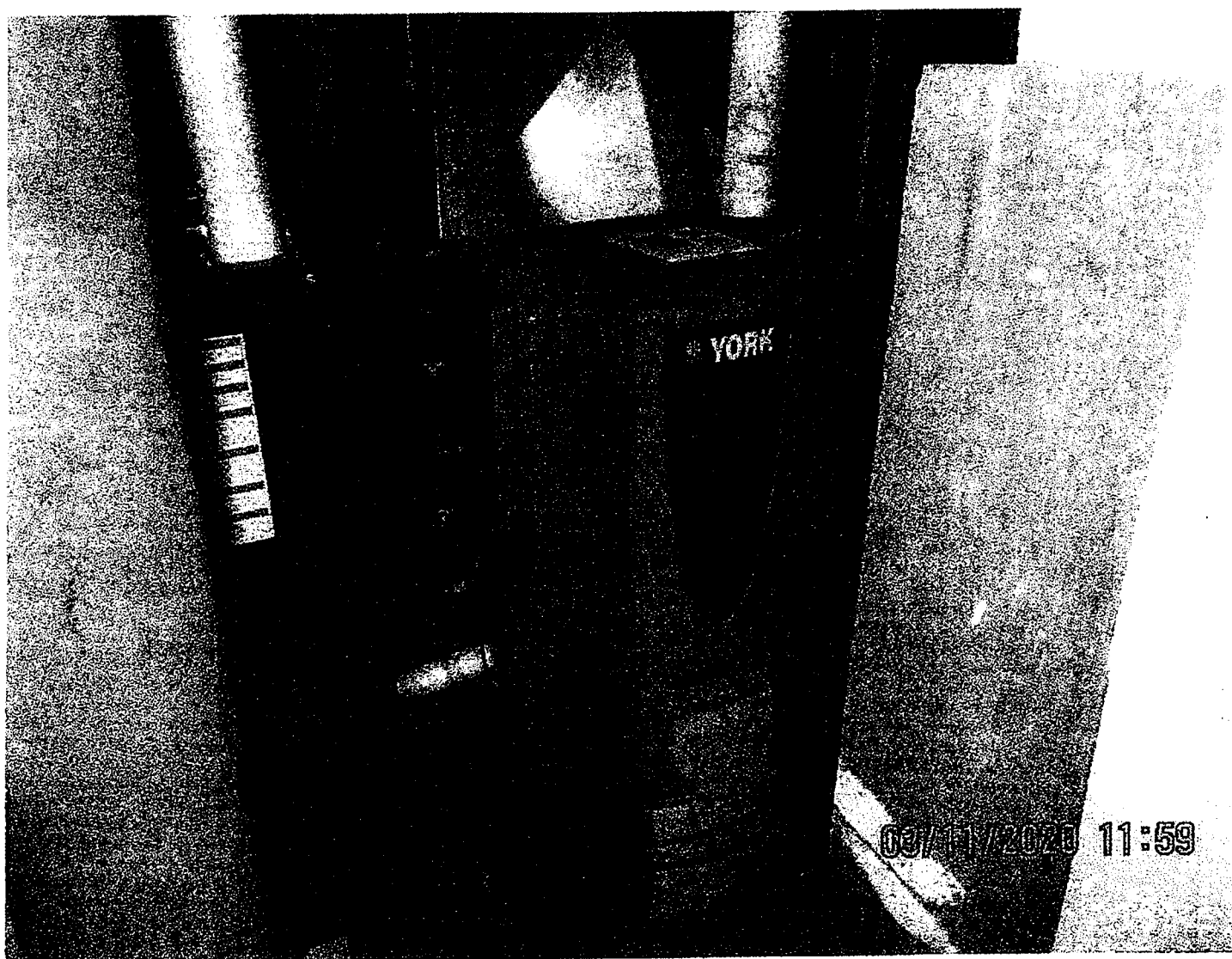
"It's a pilot program. There are eight properties. They're selling these houses to veterans. Bower said the vets have low income and are single parents with children.

"First State Bank is going to approve the loans. They're not going to qualify," Bower said. "They're not going to qualify," Bower said. "They're not going to qualify," Bower said.

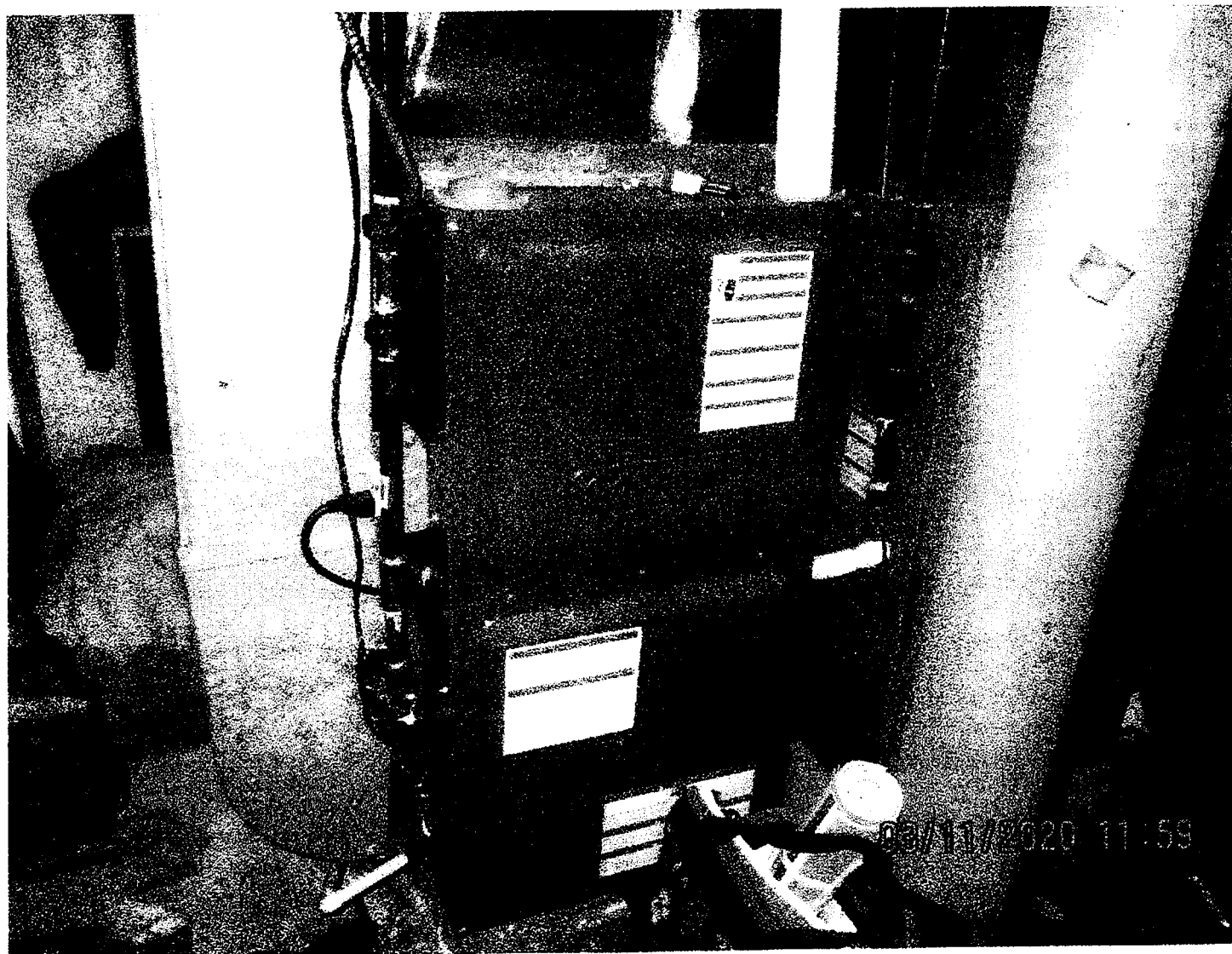
Printed By MICHIGAN WEB PRESS 248-620-2890

Ex 8

NEW 2021 SUBARU ASCENT	NEW 2022 OUTBACK
1.49% APR FOR 18 MOS.	
<small>*1.49% for 48 mos. Monthly payment of \$21.47 per \$1000 borrowed. Must be approved by our credit department.</small>	
HODGES SUBARU <small>Hodges Subaru's "Super-Sub" Dealer!</small>	EXCELLENT SERVICE • OUTSTANDING Woodward Ave. N. of 8 Mile HodgesSubaru.com 248.5



Ex 9 p 1



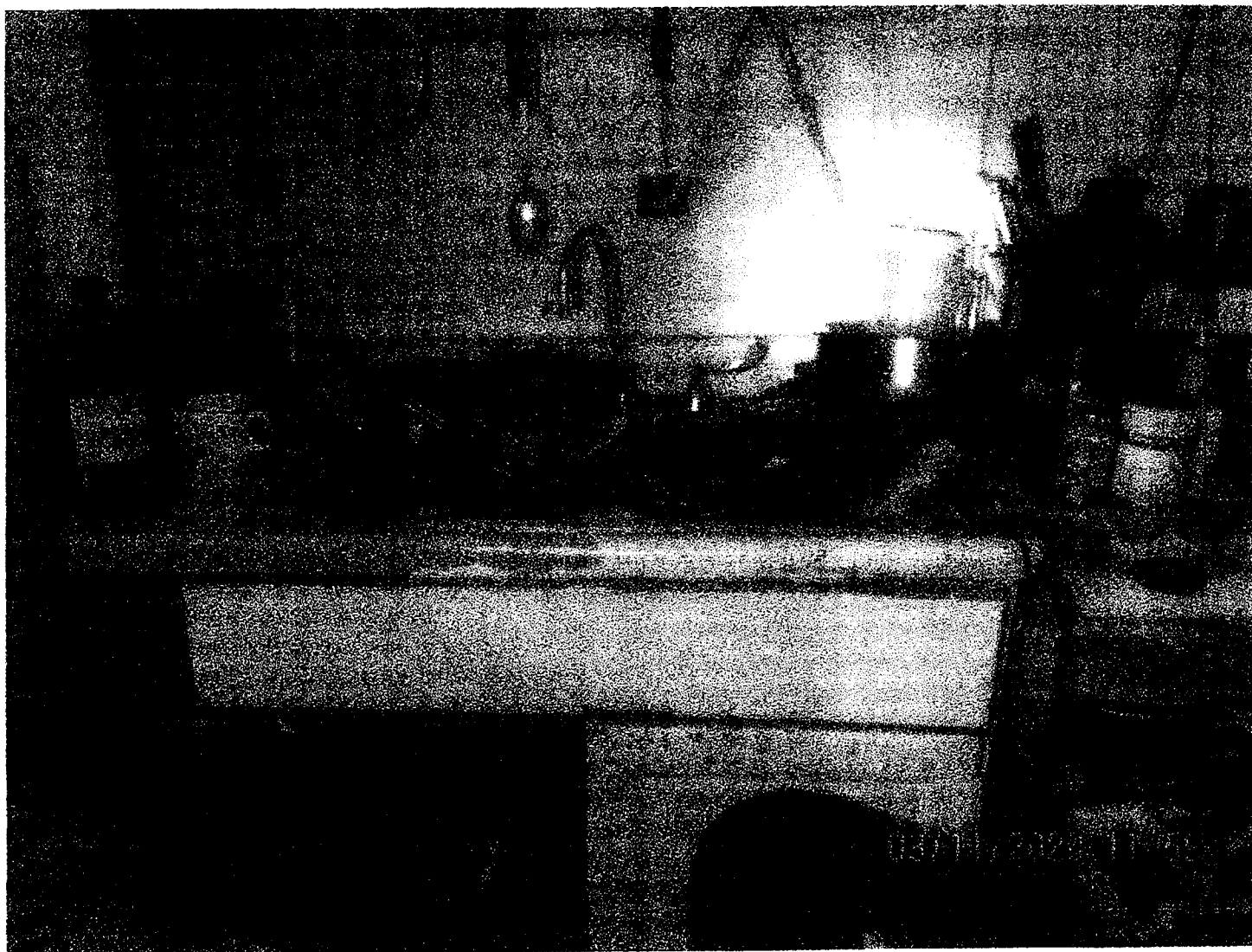
EX 9 P 2



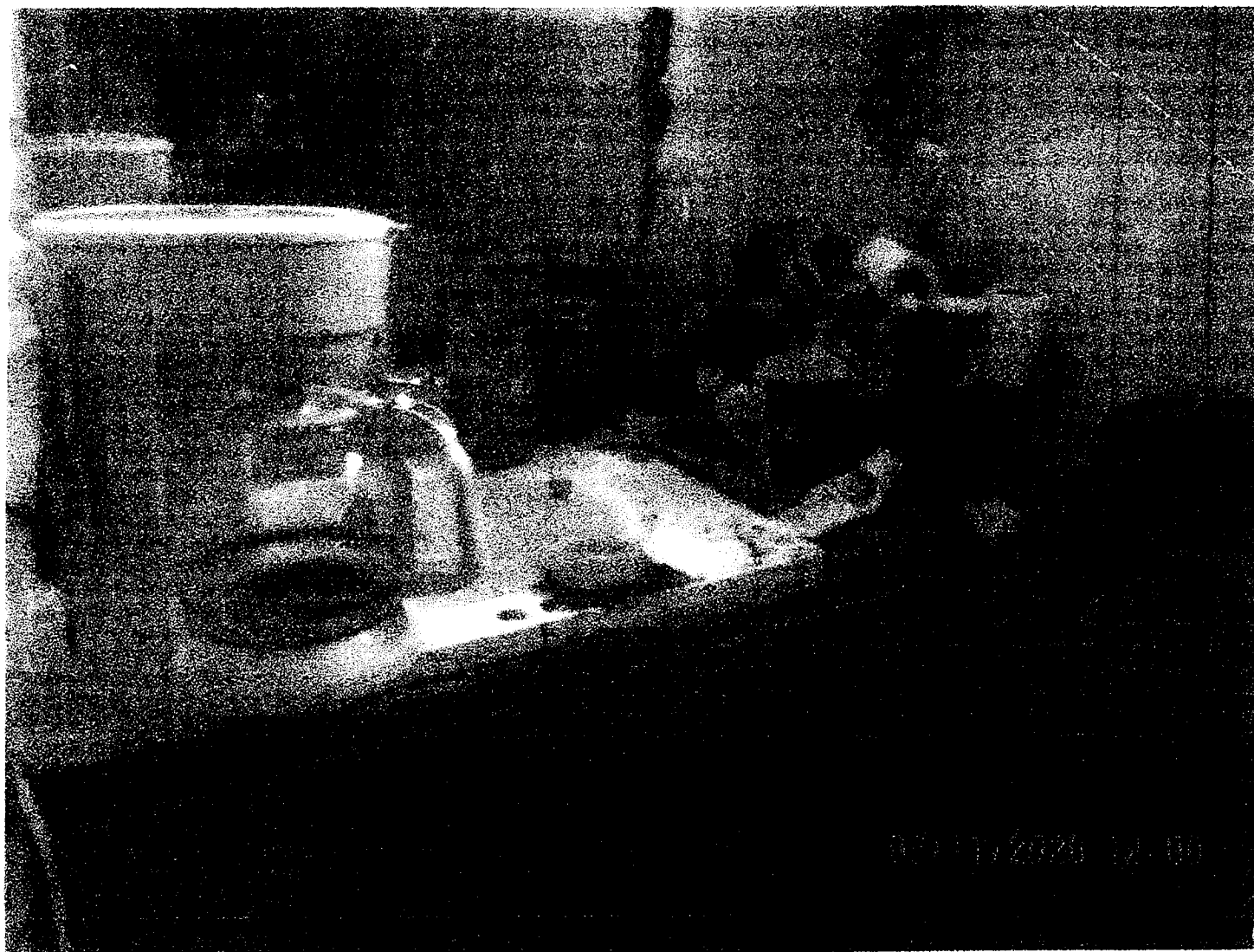
Ex 10 p 1



Ex 10 p 2



Ex 11 p1



Ex 11 p2

regarding the legal claims at issue in this lawsuit. You also will not be bound by the Orders the Court issues and Judgments the Court makes in this lawsuit.

13. How do I opt out of the Class?

If you want to opt out of the Class, you must send a written "Request to Opt Out", which references the case name, "NILI2011, LLC, et. al v City of Warren" to all of the following addresses:

Mark K. Wasvary, Mark K. Wasvary, P.C. 2401 W Big Beaver Rd Ste 100 Troy, MI 48064	John Gillooly Garan Lucow Miller, P.C. 1155 Brewery Park Blvd Ste 200 Detroit, MI 48207
--	---

If you wish to opt out of the Class, your Request to Opt Out must be postmarked by February 26, 2018.

14. What happens if I do not do anything?

By doing nothing, you are choosing to stay in the Class. You don't have to do anything now if you want to stay in the Class. If you stay in the Class and the Class Representatives obtain money or benefits, either as a result of a trial or a settlement, you will be notified about how to apply for a share. Regardless of whether the Plaintiffs win or lose the trial, if you do not opt out of the Class, you will not be able to sue, or continue to sue Defendant as part of any other lawsuit for the same legal claims that are the subject of this lawsuit. You will also be legally bound by all of the Order's the Court issues and Judgments the Court makes in this lawsuit.

THE LAWYERS REPRESENTING YOU

15. As a Class Member, do I have a lawyer representing my interests in this Class Action?

Yes. The Court has appointed lawyers to represent you and other Class Members. These lawyers are called Class Counsel. The following lawyers are representing the Class:

Mark K. Wasvary Mark K. Wasvary, P.C. 2401 W. Big Beaver Rd Ste 100 Troy, MI 48064 (248) 649-5667	Aaron Cox The Law Offices of Aaron D Cox, PLLC 23380 Goddard Rd Taylor, MI 48180 (734) 287-3664
--	--

16. How will the lawyers be compensated, and will the Class Representatives receive compensation?

If recovery is obtained for the Class, Class Counsel will request from the Court an award for attorneys' fees and expenses. Class Counsel may also ask the Court to approve a reasonable incentive award for the Class Representatives. If approved, these fees and expenses and incentive awards will either be paid from the recovery obtained for the Class or separately by Defendant.

17. Should I get my own lawyer?

You do not need to hire your own lawyer because Class Counsel is working for you. However, you are welcome to hire your own lawyer at your own expense. If you hire a lawyer to speak for you or to appear in Court, your lawyer must file a Notice of Appearance with the Court.

GETTING MORE INFORMATION

18. Where do I get more information?

This Notice contains a summary of relevant court papers. Complete copies of public pleadings, Court rulings and other filings are available for review and copying at the Clerk's office. The address is 231 W. Lafayette, Detroit, MI 48226.

Additional information regarding lawsuit may be found online at www.aaroncoxlaw.com.

Please do not contact the Court or Judge Drain. They cannot answer any questions or discuss this action.

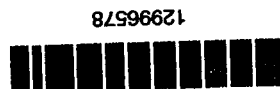
DATED: November 27, 2017

BY ORDER OF THE UNITED STATE DISTRICT COURT—EASTERN DISTRICT OF MICHIGAN

FWD

WARREN, MI 48089-5525
8075 PACKARD AVE
THE GREAT R ST. ANTHONY
12996578
5/7 1089*****AUTO**SCH 5-DIGIT 48089

PRSR FIRST CLASS
US Postage
PAID
Kalamazoo, MI
Permit No 297



12996578

NILI v City of Warren
Class Settlement.com
PO Box 9008
Hicksville, NY 11802-9008

EX 12

ND FRONT PAGE

pekiy @candgnews

July 14, 2021 • 3A
WARREN WEEKLY

Warren tracks down 'bad landlord'

BY BRIAN LOUWERS

brianlouwers@candgnews.com

WARREN — A "bad landlord" with dozens of outstanding tickets for blight at several properties was reportedly arrested by Warren police on July 8 after a "24-hour stakeout" at a rental home on Hudson Avenue, west of Van Dyke Avenue.

"This chronic out-of-state landlord is a resident of Cleveland, Ohio," Warren Mayor Jim Fouts said.

Announcing the arrest on Facebook, Fouts added, "His homes are despicable and clearly blighted!"

According to the mayor, the man had 69 outstanding tickets related to allegedly blighted homes over the last three years. Violations of the International Property Maintenance Code were also cited.

Fouts said Public Service Director Gus Ghanam, Warren Property Maintenance Division Supervisor Bob Scott and Building Department Director Jim Cummins were also involved in the investigation.

A source said the effort to apprehend the landlord began on July 7 and culminated with his arrest at a city tow yard, where his vehicles had been taken.

Fouts said the city currently has a list of seven or more "chronic landlords" facing similar violations. The mayor said fighting blight and holding rental property owners accountable were among the pledges he made during his State of the City remarks last month.

The man was not identified ahead of his expected arraignment in the 37th District Court on July 8, after the *Warren Weekly* went to press.

Look for more on this developing story on Facebook @WarrenWeekly. Follow Staff Writer Brian Louwers on Twitter @warrenreporter.

EX 13

M | MICHIGAN MEDICINE
UNIVERSITY OF MICHIGAN
HEALTH INFORMATION MANAGEMENT
3621 S. State Street
Ann Arbor, Michigan 48108

|||||
.....SNGLP 480 Tray 1 : Piece 93
93 1 SP 0.510
Elizabeth L Nelson
7568 Hudson Ave
Warren MI 48091-5912

4809135912 0013

EX 14

22A — WARREN WEEKLY, May 12, 2021

www.candnews.com

Fire pits

from page 1A

fire if it's causing a nuisance to the neighbors," Moore said.

Councilman Garry Warts voted for the ordinance last month because he said it was clear it was what a majority of Warren residents wanted, even though he had opposed the idea in the past. He said he'd like to see a permit required to ensure a backyard fire pit meets the conditions specified in

the ordinance.

As it stands, containers are required to be store-bought or constructed to include a lid and sides that keep any wood enclosed. Again, only the burning of dry and seasoned firewood is permitted under the ordinance. The burning of garbage or building materials is prohibited.

Councilwoman Angela Rogers shed received calls and messages from residents about the mayor's veto and that while she would vote to override it, she en-

couraged residents to contact her with any issues. She also said she'd support further modifications to the ordinance based on feedback received by council members.

"I've stated previously I don't agree with the ordinance allowing fires until 1 a.m. I think that's excessive. However, I am supportive of this overall ordinance," Rogers

said.

Councilman Jonathan Lafferty said the mayor's statements about the ordinance contributing to increased "greenhouse gases" and "climate change" were nothing more than "scare tactics."

In a Facebook post on April 26, Fouts also said fire pits were "tolerated as long as there were no

major problems," even before the new ordinance governing them was passed. Lafferty took exception to that statement.

"Mr. Mayor, lawlessness is not an excuse, and the council is righting that wrong tonight," Lafferty said.

Call Staff Writer Brian Louwers at (586) 498-1089.

WARREN WEEKLY

WOMEN IN BUSINESS

NEWSPAPER
candnews.com
MAY 12, 2021
Vol. 41, No. 10

STARTS ON 1A

Fire pit ordinance stands in Warren

BY BRIAN LOUWERS

brianlouwers@candnews.com

WARREN — An ordinance permitting the "reasonable" outdoor burning of dry, seasoned wood in approved containers on residential properties that pitted Warren Mayor Jim Fouts against a united City Council will stand as approved in April.

On April 27, council members voted unanimously to override a veto by Fouts of action they took earlier in the month to approve the ordinance. The vote was 6-0 with Councilman Eddie Kabacinski absent from the meeting. The 7-0 approval vote was also unanimous.

Fouts cited a list of concerns as reasons for the veto, including irritation for residents suffering from asthma, bronchitis and other respiratory or heart ailments. He said enforcement of the ordinance would end up "pitting neighbor against neighbor," and that was bad for the environment.

Council Secretary Mindy Moore, however, said again that the ordinance was crafted in consultation with the International Fire Code, and with the support of the Warren Fire Department.

"The fire pit ordinance does allow the Fire Department to extinguish a

See FIRE PITS on page 22A

EX 15 EX E

Expenses

- APP (Rev)
- is Electric Co

Cost Filing	402	
Tax fees	330	
	375	
Glasses	100	
Phone	50	
Tire	75	
Mower	170	
GAS	15	
EN	100	
Grill	75	
Postage		Trif (2) \$15
Count overnight		25
Penalty		8
Print (hand)	850	
		<hr/>
		7600
Mower Fee	(1000)?	
Xtra Ticket		
Paper	Receipt	\$15

EX 16

MISSOURI

**DRIVER LICENSE
NOT FOR FEDERAL IDENTIFICATION**

DOB 12-10-1967

ISS

EXP 12-10-2024

124057

ELIZABETH LUISE NELSON

7558 HUDSON AVE

WARREN, MI 48091-5012

Sex F

Hgt 502

Eyes GRN

Lic Type 0

End NONE

Restrictions NONE



Elizabeth Nelson

DD: 0094075767162

Rev 01-21-2011

EX A

EX 17



Ex 18

Ex P

v-10918-M

1/28

Page 86 of 100



Ex 0

Ex 19

Special Billing Receipt: SANITATION RUBBISH

Department of Property Maintenance-Account No:

Parcel # 1333278009
Name ST ANTHONY THE GREAT ROMANIA
Address 7568 HUDSON
WARREN MI 48091

Invoice No 17398 Invoice Date 03/25/20
Invoice Amount 472.64 Service Date 03/13/20

Phone: 574-4604 CITY OF WARREN DATE: 02-AUG-21 (C)
OFFICE OF THE CONTROLLER Invoice: 17932
BLIGHT GRASS Code #605
Tel: 13-33-278-009 AMOUNT DUE: 687.50

Work done at the above property on: 07-JUL-21

ST ANTHONY THE GREAT ROMANIA
7568 HUDSON
WARREN MI 48091

Make check payable to:
TREASURER, CITY OF WARREN
One City Square
Warren, MI 48093

Phone: 574-4604 CITY OF WARREN DATE: 19-MAY-20 (C)
OFFICE OF THE CONTROLLER Invoice: 17428
BLIGHT GRASS Code #605
Tel: 13-33-278-009 AMOUNT DUE: 475.00

Work done at the above property on: 24-MAR-20

ST ANTHONY THE GREAT ROMANIA
7568 HUDSON

Make check payable to:
TREASURER, CITY OF WARREN
One City Square

Ex 30 20



EX II

EX 21

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JEFFERY HAMAN,

Plaintiff,

v.

Case No. 11-13587
Honorable David M. Lawson

WILLIAM DWYER, JERE GREEN,
WARREN POLICE DEPARTMENT, CITY
OF WARREN, ROSS, PRIEST, PYLAK, and
SULLIVAN,

Defendants.

JUDGMENT

On February 16, 2012, the defendants filed an offer of judgment in the amount of \$5,000.00 pursuant to Federal Rule of Civil Procedure 68. On February 24, 2012, the plaintiff filed an acceptance of the defendants' offer. Pursuant to Rule 68,

It is hereby **ORDERED AND ADJUDGED** that the plaintiff shall recover from the defendants, jointly and severally, in the amount of \$5,000.00, inclusive of costs and attorney's fees.

s/David M. Lawson
DAVID M. LAWSON
United States District Judge

Dated: February 27, 2012

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on February 27, 2012.

s/Deborah R. Tofil
DEBORAH R. TOFIL

Ex CC

Ex
22

Filed 09/26/22 Page 18 of 19
Interested employers should go to www.macomb.edu or call 586-445-7321.

Marijuana Odor

If your neighbor is growing marijuana and the smell in the air is strong, contact us to make sure they have the proper permits.
Call: (586) 574-4504.

The Job Fair will be held at South Campus, Sports and Expo Center from 4-7 p.m.

MAYOR FOUTS WANTS EVERYONE TO BE PREPARED NOT SCARED! Coronavirus (COVID-19)
Mayer Fouts has directed these steps be taken to protect the citizens of Warren during a potential threat to their health:

- Released a Public Service Announcement (PSA), and will continue to educate the public on the symptoms and prevention of COVID-19.
- Implemented a public health management decision making training for all Police and Fire personnel on COVID-19.
- Dispatchers have been educated on COVID-19 risk assessment so that they can alert first responders of potential risk on any call on which they are sent.
- All city bldgs. display educational materials from the CDC.
- All city bldgs. will feature hand sanitizing stations at each entrance and at each Department counter.
- Set up meetings with local hospitals (Beaumont and St. John Ascension).
- Will be meeting with local schools to educate them on symptoms to look for with students and staff.
- Masks and gloves available for residents visiting city hall, and employees.

<https://www.cdc.gov/coronavirus/2019-ncov/index.html>

Now Hiring

City of Warren Parks & Recreation Department is hiring for Lifeguards. Please go to the following website:
www.cityofwarren.org.

Sanitation Hiring

The Sanitation Department is now hiring Temporary Laborer. Please go to the following website:
www.cityofwarren.org.

Computers For Sale

Twenty-seven Dell OptiPlex 7020 with Windows 7, 4 GB with CD/DVD Drive Mouse and Keyboard included, 19" monitors sold separately. For information, call 586-574-4564.

CENSUS 2020 – “COUNT ME IN WARREN!” STARTING IN MARCH

- The Census form is 10 questions, takes 10 minutes, and determines Warren's population for the next 10 years.
- Census information is CONFIDENTIAL. Federal law prohibits sharing personal Census data with anyone.
- Once the invitation arrives, you should respond for your home in one of three ways: Online, by phone, or by mail.
- For every Warren household that does not fill out the census, the City loses up to and over \$3,800 each year for the next 10 years.
- The Census count determines federal funding for programs in Warren for things like new roads, schools, natural disasters, hospitals, fire departments, etc.
- For more information about Census jobs, volunteering and other resources, please visit:
<http://www.miwarren.org/the-u-s-census-bureau-is-now-hiring/>



Low Cost Vaccination Clinic April 18

Sponsored by the Warren Animal Welfare Commission

Affordable vaccines and microchips available for dogs and cats \$40 per pet* Cash only!

Saturday, April 18 - 9 am - 3 pm - Location: Warren DPW - 12801 Stephens
(Between Hoover and Schoenherr)

- All pets **MUST** be on a leash or in a carrier
- Includes Rabies (1 or 3 year), Distemper, a microchip and Bordetella (dogs) or Felv (cats)
- 3 year rabies requires vaccination records.
- Individual vaccines \$10, microchips \$10, CASH ONLY

Contact: WarrenAnimalWelfare@gmail.com or call 586-275-5181
WarrenAWC, WarrenAnimalWelfare@gmail.com or call 586-275-5181

March 2020

EX 66

EX 23

8/23/22, 6:46 PM

MAYOR FOUTS KEEPS PROMISES, SLUMLORD ARRESTED AND IN JAIL - City of Warren

8/23/22, 6:46 PM

MAYOR FOUTS KEEPS PROMISES, SLUMLORD ARRESTED AND IN JAIL - City of Warren

MAYOR FOUTS KEEPS PROMISES, SLUMLORD ARRESTED AND IN JAIL

At my State of the City reception on June 24th, I promised residents that we would be getting tough on several bad Warren landlords and that would include jail time. I am pleased to announce that after a 24-hour stakeout at a rental home, we apprehended a bad landlord who had at least 69 outstanding tickets for blighted homes over the past three years.

Albert Thrower, a resident of Cleveland, Ohio and a one-time millionaire, owns four homes in the city of Warren that are all in disrepair. Mr. Thrower also had violations of the International Property Maintenance Code and a failure to apply for city certifications.

Mr. Thrower was hiding in the basement of one of his illegally occupied homes before he was apprehended. This arrest demonstrates loud and

<https://www.cdfw.com/arc/mayor-fouts-keeps-promises-slumlord-arrested-and-in-jail/>

This is not the first time that Mr. Thrower has been on the wrong side of the law. Mr. Thrower has been convicted of fraud, mail conspiracy, and mail fraud among other things.

I am very proud of the great work of our property maintenance employees and police officers. We have a list of at least seven more chronic landlords that are facing the same charges and jail time.

Sincerely,

Mayor James R. Fouts
City of Warren
One City Square - Suite 215
Warren, MI 48093-6726
586-574-4520
mayor@cityofwarren.org
www.cityofwarren.org

Ex H
P 2

Ex 24

9/23/22, 6:47 PM

Search Results for
mayor fouts albert thrower

Filters

All

Posts

People

Photos

Videos

<https://www.facebook.com/search/top?q=mayor+fouts+albert+thrower>

9/23/22, 6:47 PM

(2) mayor fouts albert thrower - Search Results | Facebook

Jim Fouts
Mayor of Warren, Michigan
City of Warren

Albert Thrower
A new card date has registered for Presidential race of the United States of America Albert Thrower

People

Albert Thrower
Friend
39 mutual friends
Owner/Operator at Self-Employed

Albert Thrower
Cleveland State University
Cleveland, Ohio

City of Warren
CITY OF WARREN - MAYOR FOUTS KEEPS PROMISES. SLUMLORD ARRESTED

1/5

9/23/22, 6:47 PM

(2) mayor fouts albert thrower - Search Results | Facebook

A message from the Mayor: At my State of the City reception on June 24th, I promised residents that we would be getting tough on several bad Warren landlords and that would include jail time. I am pleased to announce that after a 24-hour stakeout at a rental home, we apprehended a bad landlord who had at least 69 outstanding tickets for blighted homes over the past three years. Albert Thrower, a resident of Cleveland, Ohio and a one-time millionaire, owns four homes in the city of Warren that are all in disrepair. Mr. Thrower also had violations of the International Property Maintenance Code and a failure to apply for city certifications. Mr. Thrower was hiding in the basement of one of his illegally occupied homes before he was apprehended. This arrest demonstrates loud and clear that bad landlords will be apprehended and will face jail time for property maintenance violations in the city of Warren. This is not the first time that Mr. Thrower has been on the wrong side of the law. Mr. Thrower has been convicted of fraud, mail conspiracy, and mail fraud among other things. I am very proud of the great work of our property maintenance employees and police officers. We have a list of at least seven more chronic landlords that are facing the same charges and jail time.

You and 13 others · 50 Comments · 11 Shares

Like · Comment · Share

Videos



Albert Thrower
Mayor of Warren, Michigan



EX 4
P 3

EX
24

AFFIDAVIT OF PLAINTIFF ELIZABETH NELSON

Now comes the affiant under the penalty of perjury per 28 USC Section 1746 and avers:

- 1) Everything is true in the complaint and amended complaints and motion for summary judgment same as if rewritten herein
- 2) All exhibits are copies of originals
- 3) Affiant was in Ohio when notified cars missing, "self isolating" since she is deemed "at risk" for COVID 19
- 4) Doctor @ Eastern Michigan told affiant "do not come to Michigan because everything is going crazy because of COVID 19.
- 5) Affiant contacted ALBERT THROWER who was "self isolating being treated for prostate cancer at METROHEALTH CLEVELAND OHIO, to drive her to WARREN MICHIGAN to retrieve her vehicles
- 6) Affiant was terrified to travel to Michigan and have to interact with people while the COVID 19 was raging.
- ✓ 7) On 7/5/21, affiant took an ambulance to ASCENSION HOSPITAL 12 Mile & Hoover and was admitted for an infection.
- ✓ 8) Affiant pulled her 2008 Honda Civic behind house at 7568 Hudson Ave Warren Mi.
- 9) Honda was operable
- ✓ 10) Affiant was informed by ALBERT THROWER-LANDLORD THAT Warren Police, SERVICE TOWING INC., ROBERT SCOTT, JAMES CUMMINS, AND OTHERS HAD TOWED HER CAR.
- ✓ 11) Upon obtaining release of her car affiant notice that paint was missing where SERVICE TOWING INC., had towed her car from the rear
- ✓ 12) When towing her car, Warren Building Inspector and Robert Scott took her mower, WEBER grill, which pursuant to CITY COUNCIL ORDANCE 4/28/21 she was allowed to have. Affiant never received grill back and mower was broken when retrieved from Service Towing Inc., since thrown upside down in landlords 2011 Silverado which was towed at the same time.
- 13) Affiant needs DISCOVERY to name defendants that towed affiants cars 5/1/20 for liability, interrogatories, compensation & authenticate "chain of evidence" matters

Pursuant to Title 28 USC Section 1746 the affiant avers under the penalty of perjury that everything is true

5/18/2023

Elizabeth Nelson
5/18-25-23

Elizabeth Nelson
Affiant Elizabeth Nelson

Ex A

Ex # (EN)

Ex # 25

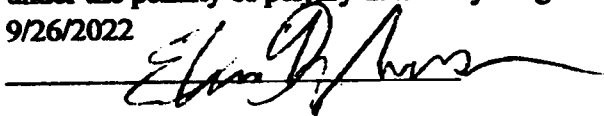
AFFIDAVIT OF PLAINTIFF ELIZABETH NELSON

Now comes the affiant under 28 USC Section 1746 "I declare (or certify, verify, or state) under penalty of perjury under the laws of the United States of America that"

Everything is true in the complaint and amended complaints and motion for summary judgment same as if rewritten herein

- 1) All exhibits are copies of originals and all facts are true in the complaint same as if rewritten herein
- 2) Affiant was in Cleveland Ohio when notified cars missing, "self-isolating" since she is deemed "at risk" for COVID 19
- 3) 4/25/20 Doctor @ Eastern Michigan told affiant "Do not come to Michigan because everything is going crazy because of COVID 19.
- 4) Affiant contacted ALBERT THROWER 5/3/20 who was "self-isolating" being treated for prostate cancer METROHEALTH CLEVELAND Ohio, to drive her to WARREN MICHIGAN to retrieve her 4 vehicles
- 5) Affiant was terrified to travel to Michigan and have to interact with people while the COVID 19 was raging.
- 6) On 7/5/21, affiant took an ambulance to MACOMB ASCENSION HOSPITAL 12 Mile & Hoover and was admitted for an infection.
- 7) Affiant pulled her 2008 Honda Civic behind house at 7568 Hudson Ave Warren Mi.
- 8) Honda was operable 7/7/21 as it was driven away from (S) SERVICE TOWING INC. see Ex I pic @ SPEEDWAY GAS STATION MOUND AFTER TOWING RELEASE
- 9) Affiant was informed by ALBERT THROWER-LANDLORD THAT Warren Police, SERVICE TOWING INC., ROBERT SCOTT, JAMES CUMMINS, AND OTHERS were in the process of towing her car having a view from the basement 7/7/21
- 10) Upon obtaining release of her car affiant notice that paint was missing Ex I where SERVICE TOWING INC., had towed her car from the rear of auto as ALBERT THROWER Ex I Affidavit heard (D) Service Towing Inc. state they had to tow (P) vehicle as same was parked behind house
- 11) When towing her car, defendants Warren Building Inspector JAMES CUMMINS, GHANAM, GAUSS, Robert Scott took her mower, WEBER grill, which pursuant to CITY COUNCIL ORDANCE 4/28/21 see Exh DD WARREN WEEKLY MAY 12, 2021, "Fire pit ordinance stands in Warren" she was allowed to have. Affiant never received WEBER grill back and affiant mower was broken when retrieved from Service Towing Inc., since thrown upside down in landlords 2011 Silverado which was towed at the same time. See Ex affiant purchased new mower from Menards
- 12) Plaintiffs 2008 HONDA was marked "blight" on the windshield by the defendants
- 13) Affiant was never served with any infraction as to her 2008 Honda, WEBER GRILL, and lawn mower when same taken 7/7/21.
- 14) (P) had an agreement w landlord A THROWER mow lawn @ 7568 Hudson Ave., and defendants took her mower. Mower was later observed upside down in landlord

- 15) THROWER vehicle when 2011 Silverado-also towed was released from (D) SERVICE TOWING INC.
 - 16) Mower would not start-in spite of working before, and had to be scrapped @ GLS Scrap yard, Sherman Ave Warren MI- see Pic O of mower @ GLE scrap yard
 - 17) Affiant purchased a new mower @ MENARDS 21 Mile, receipt annexed hereto as Ex BB
 - 18) Affiant avers that she was in MACOMB ASCENSION HOSPITAL 7/7/21 when 2nd towing took place. Landlord Thrower called Affiant from basement (as admitted to by (D) Scott, (D) Mayor Fouts Ex L and (P) -affiant heard screaming "I WANT THAT HONDA TOWED"!
 - 19) All expenses are correct as annexed to this motion
 - 20) Affiant was terrified of (D)s' and that her 4 cars would be towed again 5/2/20 and had to transport same to CLEVELAND OHIO where they would be safe incurring expenses.
 - 21) If (Ds) had not towed cars, affiant would not have transported 4 cars to OHIO.
 - 22) 5/1/20 1st two cars behind duplex Ex D pic =The other 2 cars- 2012 MAZDA 5 Grand Touring, 2009 Silverado were to the right of the pictured cars behind the security fence Ex N before towed 5/1/20.
 - 23) About 7/30/21 affiant went with landlord Thrower to Warren Police substation Van Dyke to make a police report on the falsified address 7528 Hudson Ave
 - 24) Pursuant to Title 28 USC Section 1746 "I declare (or certify, verify, or state) under penalty of perjury under the laws of the United States of America that the affiant avers under the penalty of perjury that everything is true
- 9/26/2022




Affiant Elizabeth Nelson

11-25-23

Ex K p 2

EX K

EX 25
P 3

AFFIDAVIT OF ALBERT THROWER

Now comes the affiant ALBERT THROWER per 28 USC Section 1746 "I declare (or certify, verify, or state) under penalty of perjury under the laws of the United States of America that . :

- 1) Affiant is the manager of the property located at 7568 Hudson Ave Warren Mi 48091 and the adjacent lot 7560 Hudson Ave Warren Mi 48090
- 2) Affiant rented an apartment to Elizabeth Nelson @ 7568 Hudson Ave 2018 Lease C with the understanding that the adjacent lot was part of the rental lease for her use. It was approved that she could park numerous vehicles on the properties.
- 3) Affiant was being treated 5 days a week for prostate cancer at METROHEALTH CLEVELAND OHIO and "self-isolating" due to Covid 19 -5/1/20 being at risk for COVID 19
- 4) Affiant on 5/3/20 was contacted by ELIZABETH NELSON to assist her in obtaining return of vehicles. (Saturday)
- 5) Affiant called Warren Police who informed affiant that cars were towed by (D) Service Towing Inc., Able towing LLC on Rinke Ave Warren MI
- 6) Affiant and Ms. Nelson travelled to Warren Michigan to obtain release of vehicles 5/3/20 Ex FF Ohio Turnpike receipt.
- 7) Affiant talked to tenant KIM ELIZABETH BRANSON, 2nd Fl tenant whose eviction was placed on hold because of COVID 19.
- 8) Branson told AFFIANT that Warren Police, Warren Inspectors were out at the property 5/1/20 and towed the 4 vehicles. She said she was told to "go inside and mind her own business"
- 9) Affiant when obtaining release of 4 vehicles had to enter a 4 x 8 area at SERVICE TOWING INC. and although there was a sign on the door "1 person at a time" this was not being enforced.
- ✓ 10) On 7/7/21 affiant came to WARREN MICHIGAN to mow grass and install a concrete driveway.
- ✓ 11) Warren Property & Maintenance Supervisor ROBERT SCOTT came to 7568 Hudson Ave and was screaming "I want all vehicles towed". Service Towing Inc. employee said "I can't get the Honda because it behind the house parked at an angle. If I tow HONDA, it will damage it. Robert Scott-was observed through the basement window and known to affiant, screamed "I don't care, I want the Honda towed too"

"Tow employees said that "HONDA CANNOT BE TOWED WITHOUT DAMAGING IT BECAUSE IT IS AT AN ANGLE BEHIND THE HOUSE (7568 HUDSON AVE). (D)

ROBERT SCOTT screamed, 'I DON'T CARE I

WANT THAT CAR TOWED", which it was then towed.

- ✓ 12) Affiant observed HONDA when released from towed yard and back bumper was damaged as is evidenced by Ex I Summary Judgment-pic of rear of Honda
- ✓ 13) 2008 Honda was "operable" and driven off tow yard

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P 1

- ✓ 14) Affiant was never in court as 7/7/21 order states, indeed per article it says "he was arrested the next day at the tow yard" 7/8/21
- 15) Elizabeth Nelson was in the hospital with an infection
- 16) 2008 HONDA belongs to ELIZABETH NELSON.
- 17) Affiant talked to residence at 7528 Hudson Ave Warren MI 48091, the address defendants falsified on tow paperwork, and they knew -0- about cars being there, their front yard 15 ft from curb and having numerous vehicles themselves
- 18) On or about 7/30/21 (P) NELSON/affiant attempted to make a police report with WARREN POLICE DEPT. concerning the "falsification" of the address on paperwork where the 4 vehicles were towed from. DOE CITY OF WARREN MI police, Substation Commander CAPTAIN WILLIAM REICHLING, WILLIAM DWYER refused to file the police report. During the course of the attempt to file a police report the DOE WARREN POLICE officer ran the Complaint Number 20-18750 on Ex B (DOC 1-ORIGINAL COMPLAINT) PETITION FOR HEARING ON ABANDONED VEHICLE and said same was COMPLAINT NUMBER FOR WARREN POLICE DEPT
- 19) 5/1/20 1st two cars behind duplex Ex D pic =The other 2 cars- 2012 MAZDA 5 Grand Touring, 2009 Silverado were to the right of the pictured cars behind the security fence Ex N before towed 5/1/20.

Pursuant to Title 28 USC Section 1746 "I declare (or certify, verify, or state) under penalty of perjury under the laws of the United States of America that the affiant avers under the penalty of perjury that everything is true


Albert Thrower affiant

9/26/2022

1/-25-23



EX 26

P 2

AGREEMENT

This Agreement (the "Agreement") is made this 10th day of April, 2017, between the City of Warren (the "City") and Matthew Nichols the ("Deputy Commissioner" or "Employee").

WHEREAS, the City hereby desires to employ the services of Matthew Nichols as its Deputy Police Commissioner;

WHEREAS, the parties acknowledge that this position is filled by appointment of the Mayor, and the Deputy Commissioner serves at the pleasure of the Mayor;

WHEREAS, the Employee hereby accepts such employment in accordance with the terms and conditions of this Agreement;

NOW THEREFORE, in consideration of the mutual promises set forth herein, the parties intending to be legally bound, do hereby represent, warrant, covenant and agree as follows:

1. **Term.** The Deputy Police Commissioner is appointed by the Mayor of the City of Warren and he shall serve at the pleasure of the Mayor. He may be terminated at any time and for any reason with or without cause, and without prior notice. This Agreement shall govern the terms and conditions of his employment during which time he serves in such capacity. In the event the Mayor decides that the services of the Employee are no longer needed in this appointed position, for any reason or no reason at all, the Employee shall have the right to return, if he so chooses, to his former position.

2. **Duties of Deputy Police Commissioner.** The Deputy Police Commissioner reports directly to both the Mayor and Police Commissioner and the Police Commissioner shall assign his daily duties.

3. **Salary.** The Deputy Police Commissioner shall be compensated in the annual amount approved by Warren City Council consistent with each fiscal year, currently \$118,477.00 in the 2016-2017 budget. The ten percent (10%) pay differential between this position and Captain shall be maintained.

4. **Fringe Benefits.** The Deputy Police Commissioner shall continue to receive the same fringe benefits as members of the Warren Police Command Officers Association including holiday compensation. Provided, however the Parties acknowledge that this is an Exempt position and as such he shall not receive payment for hours worked in excess of forty (40) hours per week and the overtime provisions do not apply. In the event that benefits provided to the Warren Police Command Officers change then the Deputy Commissioners benefits shall be adjusted to reflect those changes, except as otherwise noted in this Agreement.

5. **Other.** In the event the Mayor terminates or suspends the Deputy Commissioner for disciplinary reasons under circumstances that could cause his removal from the department or inability to return as a lieutenant, the Deputy Commissioner will be afforded the rights provided in the WPCOA collective bargaining agreement for the purpose of determining whether the

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Deputy Commissioner has been properly removed from the Warren Police Department or barred from returning to the position of lieutenant only.

Provided, however that these rights shall be limited to a discharge or suspension from employment arising from a disciplinary decision, not his removal of him as Deputy Commissioner, which shall not be subject to review. The Parties acknowledge that the Mayor reserves the right to remove the Employee from his appointed position at any time with or without cause at any time at his sole discretion. No arbitrator or other body has jurisdiction to reinstate the employee to the position of Deputy Commissioner, but would only be able to return him to his former rank of lieutenant.

6. **Notices.** All notices under this Agreement shall be given in writing.

7. **Entire Agreement.** This Agreement is the entire agreement of the parties and supersedes any prior written or oral understandings, unless specifically referenced herein. No extrinsic or oral evidence may be used to modify, vary or construe its terms. No modification or waiver of any provision of this Agreement shall be valid unless in writing and signed by Employee and the Mayor and City Clerk, upon prior authorization of the City Council. Oral statements made by any representative or employee of the City cannot alter the terms of this Agreement.

8. **Assignment.** The Employee may not assign any of his rights or delegate any of his duties under this Agreement.

9. **Severability.** The provisions of this Agreement are severable, and if any provision of this Agreement shall be, for any reason, invalid or unenforceable, the remaining provisions shall nevertheless be valid, enforceable, and carried into effect.

10. **Governing Law.** This Agreement shall be governed by and interpreted under the laws of the State of Michigan.

11. **Binding Effect.** The rights and obligations of the parties shall accrue to the benefit of, and be binding upon, the parties and their respective heirs, executors, personal representatives and successors.

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WITNESS
James R. Foster
Mayor
City of Warren
By: James R. Foster
James R. Foster
Mayor
City of Warren

WITNESS
Paul Wojcik
City Clerk
City of Warren
By: Paul Wojcik
Paul Wojcik
City Clerk
City of Warren

DEPUTY POLICE COMMISSIONER
Matthew Nichols
Deputy Police Commissioner
By: Matthew Nichols
Matthew Nichols
Deputy Police Commissioner

3

Warren - Case 2:18-cv-14041-MAG-MKM ECF No. 1, PageID.23 Filed 12/26/18 Page 23 of 46
Warren, Michigan
Sec 7.3 - Duties of the mayor.

Under the provisions of this charter, insofar as is required by law, and for all ceremonial purposes, the mayor shall be the administrative and executive head of this city. He shall be a conservator of the peace and may exercise within the city the powers conferred upon sheriffs to suppress disorder. He shall have authority to command the assistance of all able-bodied citizens to aid in the enforcement of the ordinances and regulations of the council, and the authority of the city government. The powers and duties of the mayor shall include the following duties and functions:

- (1) Keep an office in a convenient place to be provided by the council;
- (2) See that all laws and ordinances are enforced within the city;
- (3) Except as in this charter otherwise provided, have power of appointment and removal over officers, departmental directors, and the members of commissions and boards;
- (4) See that all terms and conditions imposed in favor of the city or its inhabitants in any public utility franchise, or in any contract, are faithfully kept and performed;
- (5) Authenticate by his signature such instruments and proceedings as are required to be authenticated by him by law or by the council;
- (6) Prepare the annual budget proposal and present it to the council with an explanation thereof at the time and in the manner required by this charter;
- (7) Keep the council fully advised at all times as to the financial conditions and needs of the city;
- (8) On or before the first day of September in each year, prepare and submit to the council and the public, as of the end of the fiscal year, a complete report of the finances and administrative activities of the city during the prior fiscal year;
- (9) Recommend to the council for adoption such measures as he may deem necessary or expedient;
- (10) Be responsible for the efficient administration of all departments of the city government;
- (11) Approve the administrative rules and regulations of the several directors, commissions, or boards in charge of the departments of the city government, before such rules and regulations shall be filed with the city clerk;
- (12) Require and receive monthly reports relative to the activities of each department from the respective department heads;
- (13) Act as and be the sole spokesman for the administrative service and officers of the city, except for the clerk, the treasurer, and the assessor insofar as their duties are provided by law;
- (14) Exercise and perform all administrative functions of the city which are not imposed

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by law or ordinance on some other city officer or agency;

(15) Exercise such other powers and perform such other duties as may be prescribed by law, or as may be required of him by ordinance or by direction of the council;

(16) Keep himself informed and report to the council, either of his own accord or in answer to questions put by the council, concerning the work of the several administrative officers and departments of the city and, to that end, secure from the officers and the heads of all administrative departments such information and periodical or special reports as he or the council may deem necessary;

(17) Perform all acts required by law, whether herein specifically enumerated or not.

State law reference—Mandatory that Charter provide for the qualifications and duties of its officers, MCL 117.36(1).

Sec. 7.6 - Administrative appointments.

(a) With the exception of the board of trustees of the City of Warren Employees Retirement System which shall be filled pursuant to section 16.3 of this charter, the mayor shall appoint the appointive officers of the city, the directors of the departments of the city, and members of the commissions and boards of the city, whether the same be established by this charter, or by ordinance. Provided, however, that appointments to the offices of city attorney and assessor shall not be effective, until confirmed by the council. In any case where the council shall not act upon the mayor's appointment of a person as city attorney or assessor at the regular council meeting at which it is announced or at the next subsequent regular council meeting, such appointment shall be deemed to have been confirmed by virtue of such failure to act. The mayor shall certify to the clerk, in writing, the names of each appointee to an appointive office within five days after such appointment is made and shall announce such appointment to the council at the next regular council meeting following the date of such appointment. The term of office of each appointee may be terminated forthwith, if the council, at such meeting or at its next subsequent regular council meeting, shall disapprove such appointment by a resolution which shall state the reasons for such disapproval. In the event of such a disapproval, the mayor may reappoint the person disapproved. If such appointee be again disapproved by the council, the mayor may not again make such appointment in the calendar year in which disapproval occurred. (Amended by electors on 11-8-77)

(b) The appointive administrative officers, the director of any department or member of any commission or board of the city government, and such directors and members as are appointed by the mayor shall hold office at the discretion of the mayor; provided, that, if a definite term of office is specified in this charter, the person holding that office shall hold his office for the full term so specified, unless a vacancy is created in such office as in this charter provided.

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Sec. 7.13 - Deputies.

The clerk and the treasurer, and such other administrative officers as the council shall permit to have deputies, shall appoint and remove their own deputies.

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General Order

Date of Issue	Effective Date	Number
7 November 2013	7 NOVEMBER 2013	13-13
Subject WARREN POLICE DEPARTMENT ORGANIZATION	File Code "O"	
Revisions 13-07	Amends	Disturbance All

I. PURPOSE

The City of Warren, Michigan, by Section 7.18 of the Warren Charter, creates a Police Department for the purpose of maintaining peace and order and for the protection of persons and property.

II. POLICY

The Police Commissioner, as the executive head of the Police Department, shall organize and conduct the affairs of the department for the preservation of quiet and good order of the city and for the safety of persons and property therein. It is the policy of the Warren Police Department to have an organization with a structure developed in accordance with professional standards and, by consideration of sound span-of-control principles, integrate related activities under control of intermediate supervisors. He/she shall allow them sufficient authority in the performance of their duties and shall hold them accountable for effective conduct of such activities.

III. GENERAL ORGANIZATION

- A. Bureau: A Bureau is the principle organizational sub-entity of the department. All Bureau Captains report directly to the Police Commissioner. The department is organized into three (3) bureaus:
 1. Administrative Services Bureau
 2. Investigative Services Bureau
 3. Patrol Services Bureau
- B. Division: A Division is the second major organizational sub-entity of the department and the principle sub-entity of a Bureau. A Divisional Commander reports to the Bureau Captain.
- C. Unit: A Unit is the third major organizational sub-entity and may be independent or may be the principle organizational sub-entity of a Division. A Unit is commanded by a designated officer in charge (OIC) who reports to the appropriate Division or Bureau Commander.

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- D. Chain of Command: Authority is delegated through the following channels and shall be recognized in the following designated order, to the level of execution. The reverse shall also apply.

1. Commissioner of Police
2. Deputy Police Commissioner
3. Captain
4. Lieutenant
5. Sergeant
6. Detective/Corporal
7. Police Officer
8. Civilian Supervisor/Secretary/Dispatcher
9. Civilian Employee/Clerical/Dispatcher

COMMISSIONER OF POLICE

Reports to: Mayor
Responsibilities: The efficient and effective operation of the Police Department through planning, organizing, and directing its activities. (See Duties - Police Commissioner General Order).

Reports to: Police Commissioner

Responsibilities: Work with a high level of proficiency directly with the Commissioner and Internal Affairs Lieutenant on confidential administrative tasks. Supervise office activities and other civilian employees in the day-to-day operation of the department. Perform highly-skilled secretarial duties as necessary. Act as liaison between the public and the Police Department Commanders. (See Duties - Police Commissioner G.O.)

INTERNAL AFFAIRS DIVISION

Reports to: Lieutenant or Sergeant

Responsibilities: Reports directly to the Commissioner
Responsibilities: Tabulate all complaints of misconduct and inadequate or inappropriate service. Investigate complaints and perform background investigations on all new department employees. (See Internal Affairs Division G.O.)

DEPUTY POLICE COMMISSIONER

Reports to: Mayor/Police Commissioner

Responsibilities: Overall planning, organizing and directing the coordination of all field operations. (See Duties - Chief of Police (now known as Deputy Commissioner) G.O.)

Reports to: Office Assistant

Responsibilities: Deputy Police Commissioner and Police Commissioner
Responsibilities: Assist Deputy Police Commissioner as needed. Assist other Bureau personnel with compiling, typing and maintaining documents and records and perform other secretarial duties as needed. Perform additional duties as requested in the absence of the Office Coordinator.

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G.O. #13-13
November 2013**SPECIAL INVESTIGATIONS DIVISION****Staffing:** Lieutenant, Sergeant**Reports to:** Report directly to the Deputy Police Commissioner. Have the authority over vice investigation, liquor licensing and enforcement and Special Operations Unit.**Responsibilities:** Investigate and prosecute violations of the Controlled Substance Act, regulate and enforce liquor laws, secondhand enterprises and precious metal dealers, and investigate vice-related activity.**Staffing:** Special Investigations Division Chief**Staffing:** Stenographic Technician**Staffing:** S/D Lieutenant and Sergeant**Responsibilities:** Process, input and upload history and misdemeanor warrants into the county database, using knowledge of law and criminal justice system. Maintain files, records, reports and other miscellaneous information. Provide clerical support to all S/D personnel.**Liquor Licensing Unit:****Staffing:** Police Officer**Reports to:** Special Investigations supervisor**Responsibilities:** Investigate and administer liquor licensing and other police-regulated licensing in the city.**Liquor Enforcement Unit:****Staffing:** Police Officers**Reports to:** Special Investigations supervisor**Responsibilities:** Actively investigate all Michigan Liquor Control Commission rules and city ordinances to ensure compliance.**Narcotics Unit:****Staffing:** Corporal, Police Officers**Reports to:** Special Investigations supervisor**Responsibilities:** Investigate illegal narcotic possession, distribution and prosecution and vice crimes.**Special Operations Unit:****Staffing:** Sergeant, Police Officers**Reports to:** Special Investigations supervisor**Responsibilities:** Gather and act upon intelligence information regarding current crime trends or problems that affect the city.**ADMINISTRATIVE SERVICES BUREAU**

This Bureau is responsible for the operation of the Training Division, Technical Services Division, Planning and Research Division, Computer Services Division, and the Emergency Services Division. The Administrative Services Bureau develops and maintains the department's budget, distributes personnel as needed, plans, directs and implements the department's equipment needs, maintains the department's records system and computer related systems. The Bureau also maintains the good order and condition of the department's building and infrastructure and ensures the accomplishment of the department's overall goals and mission.

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The Bureau's Emergency Services division is responsible for the development and implementation of emergency operation plans for any possible hazardous or emergency situation that may occur throughout the city.

Staffing: Captain, Staff Sergeant**Reports to:**

- Captain - Reports directly to the Commissioner and Deputy Commissioner.
- Staff Sergeant - Reports directly to the Captain of ASB.

Responsibilities:

- Captain - Planning, organizing, and directing the activities of the Administrative Services Bureau. (See Duties - Captain G.O.)
- Staff Sergeant - General supervisory responsibility over all personnel, divisions, and units within the bureau.

Administrative Services Bureau Chief**Staffing:** Office Assistant**Reports to:** Reports to the Captain.

Responsibilities: Prepare purchase orders as approved Administration Supervisor. Maintain uniform balances for sworn personnel. Process mail and package deliveries. Act as receptionist for the Administrative Services Bureau. Perform various other clerical duties as needed.

COMPUTER SERVICES DIVISION**Crime Management Information Systems Administrator****Staffing:** Crime Management Information Systems Administrator**Reports to:** Captain of Administration.

Responsibilities: Responsible for performing necessary tests for the development and maintenance of a departmental computer system and network. Write computer programs. Develop and maintain contacts with support organizations connected electronically with the department. Maintain LEIN and telephone system for the department. Participate in short and long term technological maintenance, expansion and planning. Maintain state MIRC reporting.

Assistant Crime Management Information Systems Specialist**Staffing:** Assistant Crime Management Information Systems Specialist**Reports to:** Crime Management Information Systems Administrator.

Responsibilities: Document and implement computer programs. Manage firewall, backup server, Microsoft global policies and Cisco routers. Responsible for ordering and maintaining computer and printer supply inventory. Perform technical work necessary to develop, test and maintain the computer system and maintain LEIN and telephone system for the department.

EMERGENCY SERVICES DIVISION**Staffing:** Lieutenant or Sergeant**Reports to:** Reports directly to the Administrative Captain.

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Responsibilities: Develop and write emergency operation plans for the department and the city. Act as coordinator during hazards and in emergency conditions.

PLANNING & RESEARCH DIVISION

Staffing: Administrative Corporal

Records: Captain in Administration.

Responsibilities: Responsible for developing and administering grants, performing state and local audits as state-certified LEIN Terminal Agency Coordinator. Inspects facilities and equipment for needed improvements and repairs.

TECHNICAL SERVICES DIVISION

Staffing: Sergeant

Records: Captain in Administration. Has the authority over the Records and Identification Unit.

Responsibilities: Responsible for the supervision and management of personnel and resources of the Records and Identification Sections of the division. Maintains the integrity of departmental records, FOIA requests, and civil actions brought against the department. This division is also responsible for the management and maintenance of the city-wide radioCAD system and data system equipment for the department, including in-car cameras and computers.

Records Section Unit

Staffing: Senior Clerk, Office Assistant

Records: Technical Services Division Sergeant

Responsibilities: Responsible for the efficient operation of the department's reporting and record-keeping system, maintenance of general supplies and general clerical.

Identification Section Unit

Staffing: Forensic Technologist

Records: Technical Services Sergeant.

Responsibilities: Expert technical forensic support, examination of latent prints, processing of crime scenes and evidence and maintaining the integrity of evidence; also, classifying, searching and identifying fingerprints, assembling data and maintaining records for master criminal files.

TRAINING DIVISION

Staffing: Sergeant, Corporals

Records: Captain in Administration.

Responsibilities: Responsible for scheduling and implementing training for all personnel, along with the proper documentation and record keeping of departmental personnel training history. Activities are directed toward the acquisition, training, preparation and development of department personnel through in-house training and the FTO/CTO programs. The division is also responsible for the fiscal management of state and local training funds to secure proper and legal disbursement.

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INVESTIGATIVE SERVICES BUREAU

This bureau is responsible for follow-up investigations resulting in the solution of criminal cases. This includes arrest and prosecution of persons responsible as well as recovery of property and assistance in the prosecution of criminals. (See Organization - Investigative Services Bureau G.O.)

Staffing: Executive Lieutenant

Records:

Responsibilities:

- Executive Lieutenant - Reports directly to the Commissioner and Deputy Commissioner.

Responsibilities:

- Executive Lieutenant - Planning, organizing, and directing the activities of the Investigative Services Bureau. Serves as command of ISB with general supervisory responsibility over all personnel, divisions, and units within the bureau. (See Duties - Executive Lieutenant G.O.)

CRIMINAL INVESTIGATIONS DIVISION

Staffing: Sergeant(s), Detectives

Records:

Responsibilities:

- Sergeant(s) - Report directly to the ISB Executive Lieutenant.
- Detectives - Report directly to CID Sergeant(s)

Responsibilities:

- Sergeant(s) - Directly responsible for supervision of the performance of detectives assigned to their division. Requires active participation in work of detectives through specific instruction, review, and observation of subordinates' activities.
- Detectives - Investigation of criminal offenses, including the preparation of investigative reports, collection and preservation of evidence, and presentation of evidence to the prosecutor for consideration of authorization of warrants. Act as officer in charge of criminal cases assigned through all phases of prosecution.

Criminal Investigations Division Clerical

Staffing: 2 Office Assistants

Records: Report directly to CID Sergeant(s).

Responsibilities: Process, input and upload warrants into the county database using knowledge of law and the criminal justice system. Also, provide clerical support of all CID personnel.

Police Property Unit

Staffing: Police Officer(s)

Records: Reports directly to CID Sergeant(s).

Responsibilities: Accounting and storing of all property seized by officers of the department. Responsible for appropriate disposition of all property and evidence.

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November 2013

SPECIAL VICTIMS DIVISION

Staffing: Sergeant, Detectives

Reports to:

- Sergeant - Reports directly to the Investigative Services Executive Lieutenant.
- Detectives - Report directly to the Special Victims Sergeant.

Responsibilities:

- Sergeant - Supervision of the performance of all personnel and units assigned to Special Victims Division. Requires active participation in work of detectives through specific instruction, review, and observation of subordinates' activities. Directly responsible for all administrative duties associated with Special Victims Division.
- Detectives - Investigation of criminal sexual conduct offenses, juvenile offenses, and domestic violence offenses, including the preparation of investigation reports and the collection and preservation of evidence for presentation to the prosecutor for consideration of authorization of warrants or petitions. Act as officer in charge of criminal or juvenile cases assigned through all phases of prosecution.

Special Victims Division Clerical

Staffing: Stenographic Technician

Reports to: Special Victims Division Sergeant

Responsibilities: Verification and registration of sex offenders, process, input and upload juvenile warrants and provide clerical support to all FID personnel, as well as representatives of the City Attorney's Office.

PATROL SERVICES BUREAU

This Bureau is responsible for prompt responses to calls for service, preventive patrol, and preliminary enforcement and investigation of criminal and traffic laws. (See Organization - Patrol Services Bureau G.O.).

Staffing: Captain, Executive Lieutenant

Reports to:

- Captain - Reports directly to the Commissioner and Deputy Commissioner.
- Executive Lieutenant - Reports directly to the Captain of P88.

Responsibilities: Planning, organizing, directing, and supervising the activities of the Patrol Bureau.

Administrative Secretary

Reports to: Captain and the Executive Lieutenant.

Responsibilities: Maintains absences and vehicle records. Records subpoenas and notifies officers of court dates. Works closely with Watch Commanders to schedule shifts and lathough of all patrol officers. Further prepares records and correspondence as required. (See Duties - Captain G.O. & Executive Lieutenant G.O.)

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November 2013

COMMUNICATIONS DIVISION

Staffing: Dispatch Supervisors

Reports to: Executive Lieutenant of the Patrol Services Bureau.

Responsibilities: Supervision of their assigned platoon. Receiving and assessing the emergency needs of the community. Coordination of police and fire response, maintenance of dispatch records and the training of probationary dispatchers. Position has the authority over dispatchers.

Dispatchers

Staffing: Dispatchers assigned to platoons as needed

Reports to: Shift supervisor.

Responsibilities: Receiving and assessing the emergency needs of the community. Coordination of police and fire response, maintenance of dispatch records and the training of probationary dispatchers.

PATROL SUPPORT DIVISION

Staffing: Lieutenant and/or Sergeant

Reports to: Reports to the Patrol Executive Lieutenant and/or Patrol Captain.

Responsibilities: Supervision and direction of units within the Patrol Support Division. Administer the department detention area.

Patrol Support Division Clerical

Staffing: (See Patrol Administrative Secretary)

Reports to: Reports to Patrol Support supervisor.

Responsibilities: Process, input and upload traffic warrant; input tickets and accident reports; assist with school crossing guard placement, scheduling and payroll and assist in processing off-duty assignment details. Also, provide clerical support to all Patrol Support (Traffic) personnel.

Motor Radar Unit

Staffing: Police Officers allocated as needed.

Reports to: Reports to Patrol Support Lieutenant.

Responsibilities: Enforcement of all traffic laws and regulations while operating a semi-marked vehicle equipped with radar. Respond to crimes in progress and calls for service.

Abandoned Auto Unit

Staffing: Police Officer

Reports to: Reports to Patrol Support supervisor.

Responsibilities: Tag and tow abandoned vehicles from city streets after a 48-hour notice. Coordinate contracted wrecker services, complete paperwork to advertise and auction vehicles according to department procedures. Complete monthly testab inspections. Coordinate fleet maintenance.

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G.O. #15-13
November 2013**Animal Control Unit****Staffing:** Full-time Animal Control Officers; Part-time Animal Control Officer**Responsibilities:**

Staffing: Patrol Support supervision

Responsibilities: The proper and humane control of domestic pets and other animals found within the City of Warren. Respond to calls for service concerning abused, neglected, injured, or stray animals. Enforce and seek compliance with Section 7 of the City of Warren Code of Ordinances and comply with the policies and procedures of the Macomb County Animal Shelter.

Motor Traffic Unit**Staffing:** Police Officers**Responsibilities:** Reports to Patrol Support supervision.

Staffing: Operate a radar equipped semi-marked vehicle or motorcycle to enforce all traffic laws and regulations. Perform various escort, funeral, and dignitary protection duties. Respond to crimes in progress and calls for service.

Traffic Engineer/Coordinator Unit**Staffing:** Police Officer or Corporal**Responsibilities:** Reports to Patrol Support supervision.

- Review all crash reports that occur in the City of Warren for accuracy and completeness. Follow up hit and run accidents. Maintain statistics for traffic crashes and complete state and county meetings of UO-10 reports.
- Maintain a civilian school crossing guard program.
- Conduct studies to evaluate the need for roadway signage, traffic control, and signal placement. Assist Warren Department of Engineering to rebuild or repair roads and to conduct studies to maintain an orderly traffic flow.

School Resource Officer Unit**Staffing:** Police Officers**Responsibilities:** Reports directly to Patrol Support supervision.

Staffing: Provide police service for their assigned school. Serves as a resource person to school personnel in preventing juvenile delinquency. Work with the middle and elementary school when called upon. Become a team member of the school staff. (See Duties & Responsibilities - School Resource Officer G.O.)

ROAD PATROL DIVISION

Responsible for providing prompt response to calls for service, preventive patrol, the staffing and operation of the front desk and detention facility. Patrol is separated into three platoons. Each platoon shift is responsible for a portion of the day. Each platoon is staffed with the below-listed units and personnel.

G.O. #15-13
November 2013**Watch Commander**

Staffing: 4 Lieutenants, one assigned to each platoon

Responsibilities: Reports to the Patrol Services Bureau Captain or Executive Lieutenant. Has authority over the platoon to which they are assigned.

Staffing: Platoon Commander in charge of an assigned shift, determining personnel and work assignments, interpreting orders as directed by the Bureau Commander, and ensuring a prompt response to calls for service and emergency situations.

Road Sergeant**Staffing:** Sergeants allocated according to need.**Responsibilities:** Reports to Platoon Lieutenant and Sergeant.

Staffing: First line supervisor responsible for reviewing the work of the police officers assigned on their platoon. They assist in the performance of more difficult tasks and prepare as necessary all required reports, schedules, and required records.

Patrol Officer**Staffing:** Platoons are allocated officers according to need**Responsibilities:** Reports to Platoon Lieutenant and Sergeant.

Staffing: The protection of life and property, prevention of crime, apprehension of criminals, and enforcement of laws and ordinances in an assigned area. Work includes the protection of residents and visitors, enforcement of traffic violations, crash and crime scene investigations, and other special assignments.

Area Coordinator**Staffing:** Officers allocated according to need.**Responsibilities:** Reports to Platoon Lieutenant and Sergeant.

Staffing: To provide police services by networking with the community and the Police Department, to assist in the implementation of a modified team policing approach with a philosophy of community policing. Conduct neighborhood and child watch programs, safety talks, and be responsible for bicycle officer assignments.

Court Officer**Staffing:** Police Officer**Responsibilities:** Reports to Platoon Lieutenant and Sergeant.

Staffing: Assemble case files/records and process prisoners during arraignment on misdemeanor charges at the 37th District Court.

Detention**Staffing:** Police Officers**Responsibilities:** Reports to Platoon Lieutenant and Sergeant.

Staffing: Receive, process, and complete booking of prisoners, attend to the physical care, detain, convey, and release prisoners from the Detention facility.

Evidence Technician**Staffing:** Officers allocated according to need.**Responsibilities:** Reports to Platoon Lieutenant and Sergeant.

G.O. #13-13
November 2013

Responsibilities: The protection of life and property, prevention of crime, apprehension of criminals, and enforcement of laws and ordinances in an assigned area. Work includes the protection of residents and visitors, enforcement of traffic violations, crash and crime scene investigations, and other special assignments. Police Officers possessing specialized training in the field of evidence detection, collection, and processing. They have the responsibility of identifying and processing evidentiary items at crime scenes.

Jere Green
POLICE COMMISSIONER

JG/jf



General Order

Date of Issue	Effective Date	Number
22 February 1999	22 February 1999	98-03
File Code		
Subject		
DUTIES - POLICE COMMISSIONER		
Reference	Revisions	Amends
	75-19	All

I. GENERAL STATEMENT, DESCRIPTION, AND QUALIFICATIONS:

A. Police Commissioner (Appointed Official):

This is highly responsible and complex management work in planning, organizing, and directing the activities of the City of Warren Police Department.

Work involves the responsibility for the efficient and effective operation of the City of Warren Police Department through planning, organizing, and directing its activities, assuring that law and order are maintained; that laws and ordinances are enforced; that measures are implemented to prevent crimes; and to protect life and property. Work also involves consulting with top-level city officials and the Police and Fire Civil Service Commission in determining overall plans and policies to be followed in conducting police operations. Supervision is exercised directly or through subordinate command officers and supervisors over all employees of the Warren Police Department.

B. Supervision Received:

The Police Commissioner is appointed by the Mayor of the City of Warren in compliance with Section 7.6 of the City of Warren Charter and shall be under the Mayor's control and shall be responsible to him in all respects as outlined in Section 7.17 of the City Charter. Work is performed under the administrative direction of the Mayor and is reviewed through conferences, reports, and results obtained.

C. Examples of Work Performed:

1. Plans, organizes, and directs the programs and activities of the City of Warren Police Department in a manner consistent with good practices for police departments comparable to the Warren Police Department.

2. Provides progressive leadership in the initiation and enactment of new and improved policies and procedures.
3. Consults with top-level city officials and the City of Warren Police and Fire Civil Service Commission in the development of overall policies and procedures to govern the activities of the department.
4. Directs and participates in the preparation of the annual departmental budget and in the control and expenditure of appropriations.
5. Formulates and prescribes work methods and procedures to be followed by the department; appraises work conditions; takes necessary steps to improve police operations.
6. Cooperates with city, county, state, and federal officers in the apprehension and detection of wanted persons and in such other official matters where activities of the Police Department are involved.
7. Advises and assists subordinates in highly complex criminal or other investigations.
8. Attends civic club and other community organization meetings to explain and promote the activities and functions of the department and to establish favorable public relations.
9. Performs related work as required by law, ordinance, or competent authority; examples - Police Commissioner serves as Director of Civil Defense and City Traffic Engineer as defined by city ordinance.

D. Required Knowledge, Abilities, and Skills:

1. Extensive knowledge of modern police methods and practices and of the principles and practices of police administration.
2. Extensive knowledge of departmental rules and regulations and of the applicable federal, state, and local laws and ordinances.
3. Extensive knowledge of the current literature, trends, and developments in the field of police administration.
4. Thorough knowledge of the standards by which the quality of police service is evaluated.
5. Thorough knowledge of the functions of other governmental jurisdictions and authority as they relate to police work.
6. Ability to plan, organize, and direct the work of a large number of subordinates performing varied operations connected with police

activities; to develop proper training and instructional procedures for those employees; and to maintain a high level of discipline and morale.

7. Ability to establish and maintain effective work relationships with other city officials, state and federal authorities, civic leaders, and the public.
8. Ability to prepare and effectively present oral and written informative material relating to the activities of the department.

E. Training and Experience:

Extensive progressively responsible experience in police work, including considerable experience in an administrative or command capacity; or any equivalent combination of education, training, and experience.

John W. Baird
COMMISSIONER OF POLICE

JWB/jf



General Order

Date of Issue		Effective Date	Number
22 February 1988		22 February 1988	98-04
22 February 1988		1/8 Date	
DUTIES - CHIEF OF POLICE		"T"	
Reference	75-18	Amend	Subsection
			All

1. GENERAL STATEMENT, DESCRIPTION, AND QUALIFICATIONS:

A. Chief of Police:

This is advanced and highly responsible administrative and law enforcement work involving responsibility for the overall planning, organizing, and directing the coordination of all field operations in the City of Warren Police Department. Work involves considerable responsibility for making decisions regarding action to be taken and requires the exercise of independent judgement in the interpretation of the rules, regulations, and general policies and in the application of laws and ordinances.

Supervision is exercised through subordinate bureau and division commanders. The Chief of Police shall assume full command of the City of Warren Police Department in the absence of the Police Commissioner.

B. Supervision Received:

Work is performed in accordance with established rules and regulations under the general direction of the Commissioner of Police and is reviewed through conferences and reports.

C. Examples of Work Performed:

The Chief of Police may be called upon to do any or all of the following. (These examples do not include all of the tasks which the employee may be expected to perform).

1. Allocate personnel to bureaus and divisions and coordinate all activities of the department to assure efficient operation through subordinate commanding officers and supervisors.

2. Develop internal policies and procedures and approve methods and procedures recommended by subordinate commanding officers and supervisors.
 3. Review and evaluate the results of various programs through consultation with bureau and division commanders and via the review of reports.
 4. Serve as a member of the department's executive management team, providing expert advice and assistance to the Commissioner of Police.
 5. Assist in setting department goals and in evaluating the extent of goal accomplishments.
 6. Represent the Police Department in relationships with other government officials and member of the public.
 7. Participate in the preparation of the annual department budget.
 8. Serve as chairman of Department Boards of Inquiry empowered to evaluate charges preferred against department police personnel.
 9. Serve as chairman of Department Awards Board of Review.
 10. Conduct special assignments at the direction of the Commissioner of Police.
 11. Act for Commissioner of Police as required.
- D. Required Knowledge, Abilities, and Skills:
1. Thorough knowledge of modern police methods and practices and of the principles and practices of police administration.
 2. Thorough knowledge of departmental rules and regulations and of the applicable federal, state, and local laws and ordinances.
 3. Thorough knowledge of the principles of supervision, organization, and administration.
 4. Thorough knowledge of the geography, streets, and important locations in the City of Warren.
 5. Thorough knowledge of the Police Department's Operations Manual, the Police Department Rules and Regulations, and the Personnel Rules of Procedure of the Police and Fire Civil Service Commission.

6. Thorough knowledge of the overall resources, authority, and responsibility of the Warren Police Department.
7. Considerable knowledge of the functions and objectives of other state, local, and federal law enforcement agencies and those government planning programs dealing with the Highway Safety Planning and Law Enforcement and Criminal Justice Planning.
8. Ability to analyze complex administrative and technical problems objectively and determine proper courses of action to be taken.
9. Ability to plan, organize, and direct the work of subordinates and to advise, instruct, and train personnel.
10. Ability to write and speak effectively.
11. Ability to deal with the public firmly and courteously and to establish effective working relations with the public, news media, governmental officials, and others contacted in the course of work.
12. Ability to meet specific physical requirements which may be established by competent authority.
13. Skill in the use and care of a wide range of police equipment.

JWB/RW

John W. Bald
COMMISSIONER OF POLICE

Listen and follow the directions of your **STATE AND LOCAL AUTHORITIES.**

IF YOU FEEL SICK, stay home. Do not go to work.

IF YOUR CHILDREN ARE SICK, keep them at home. Contact your medical provider.

IF YOU ARE AN OLDER PERSON, or have a chronic underlying health condition, stay home and avoid contact with other people.

Find out if you have been **TESTED POSITIVE.** Keep the entire household at home.

EVEN IF YOU ARE YOUNG, OR OTHERWISE HEALTHY, YOU ARE AT RISK AND YOUR ACTIVITIES CAN INCREASE THE RISK FOR OTHERS. IT IS CRITICAL THAT YOU DO YOUR PART TO SLOW THE SPREAD OF THE CORONAVIRUS.

Work or study **FROM HOME** whenever possible.

AVOID SOCIAL GATHERINGS in groups of more than 10 people.

Avoid eating or drinking at bars and restaurants.

USE PICKUP OR DELIVERY OPTIONS.

AVOID DISCRETIONARY TRAVEL, including travel to other countries.

DO NOT VISIT nursing homes, retirement or long-term care facilities, unless it is absolutely necessary.

ALWAYS PRACTICE GOOD HYGIENE:

- Wash your hands often with soap and water for at least 20 seconds.
- Avoid touching your face, especially your eyes, nose, and mouth.
- Avoid close contact with people who are sick.
- Stay home when you are sick.
- Cover your coughs and sneezes with your elbow or a tissue.
- Clean and disinfect frequently touched surfaces.

CORONAVIRUS.GOV

SLOW THE SPREAD

PRESIDENT TRUMP'S CORONAVIRUS GUIDELINES FOR AMERICA

PRST MKTG
ECRWSS
POSTAGE & FEES PAID
USPS
PERMIT NO. G-10

Postal Customer



For more information, please visit

CORONAVIRUS.GOV

MARCH 16, 2020

Ex
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Photos

Street View



Ex 29 p 1

8/10/22, 9:22 PM

file:///C:/Users/Carmel/Downloads/Hudson fence.webp



hudson fence.webp (720x480)

Ex N

Ex 29
p 2

City of Warren COVID-19 Preparedness and Response Plan

WARREN
Mayor Jaunes R. Fouts

Implemented: February 26, 2020
Amended: March 13, 2020
Amended: March 16, 2020
Amended: March 23, 2020
Amended: April 30, 2020

Prepared by: Amanda M. Allen
Mayor's Office

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A worldwide pandemic known as COVID-19 has disrupted daily life as we know it. According to Governor Whitmer's Executive Order No. 2020-42-Temporary requirement to suspend activities that are not necessary to sustain or protect life Rescission of Executive Order 2020-21 ~ Businesses, operations, and government agencies that continue in-person work must adhere to sound social distancing practices and measures, which include but are not limited to:

- (a) Developing a COVID-19 preparedness and response plan, consistent with recommendations in Guidance on Preparing Workplaces for COVID-19, developed by the Occupational Health and Safety Administration. Such plan must be available at company headquarters or the worksite.
- (b) Restricting the number of workers present on premises to no more than is strictly necessary to perform the business's, operation's, or government agency's critical infrastructure functions or its minimum basic operations.
- (c) Promoting remote work to the fullest extent possible.
- (d) Keeping workers and patrons who are on premises at least six feet from one another to the maximum extent possible.
- (e) Increasing standards of facility cleaning and disinfection to limit worker and patron exposure to COVID-19, as well as adopting protocols to clean and disinfect in the event of a positive COVID-19 case in the workplace.
- (f) Adopting policies to prevent workers from entering the premises if they display respiratory symptoms or have had contact with a person with a confirmed diagnosis of COVID-19.
- (g) Any other social distancing practices and mitigation measures recommended by the CDC.

CRITICAL INFRASTRUCTURE WORKERS DEFINED

In accordance with Governor Whitmer's order, critical infrastructure workers are those workers described by the Director of the U.S. Cybersecurity and Infrastructure Security Agency in his guidance of March 19, 2020 on the COVID-19 response.

This order does not adopt any subsequent guidance document released by this same agency. Consistent with the March 19, 2020 guidance document, critical infrastructure workers include some workers in each of the following sectors:

- (a) Health care and public health.
- (b) Law enforcement, public safety, and first responders.
- (c) Food and agriculture.

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EX
30
P1

- (d) Energy.
 - (e) Water and wastewater.
 - (f) Transportation and logistics.
 - (g) Public works.
 - (h) Communications and information technology, including news media.
 - (i) Other community-based government operations and essential functions.
 - (j) Critical manufacturing.
 - (k) Hazardous materials.
 - (l) Financial services.
 - (m) Chemical supply chains and safety.
 - (n) Defense industrial base.
- Critical infrastructure workers also include:
- (a) Child care workers (including workers at disaster relief child care centers), but only to the extent necessary to serve the children or dependents of workers required to perform in-person work as permitted under this order. This category includes individuals (whether licensed or not) who have arranged to care for the children or dependents of such workers.
 - (b) Workers at suppliers, distribution centers, or service providers, as described below. (
 - 1) Any suppliers, distribution centers, or service providers whose continued operation is necessary to enable, support, or facilitate another business's or operation's critical infrastructure work may designate their workers as critical infrastructure workers, provided 7 that only those workers whose in-person presence is necessary to enable, support, or facilitate such work may be so designated.
 - (2) Any suppliers, distribution centers, or service providers whose continued operation is necessary to enable, support, or facilitate the necessary work of suppliers, distribution centers, or service providers described in subparagraph (1) of this subsection may designate their workers as critical infrastructure workers, provided that only those workers whose in-person presence is necessary to enable, support, or facilitate such work may be so designated.
 - (3) Consistent with the scope of work permitted under subparagraph (2) of this subsection, any suppliers, distribution centers, or service providers further down the supply chain whose continued operation is necessary to enable, support, or facilitate the necessary work of other suppliers, distribution centers, or service providers may likewise designate their workers as

critical infrastructure workers, provided that only those workers whose in-person presence is necessary to enable, support, or facilitate such work may be so designated.

(4) Suppliers, distribution centers, and service providers that abuse their designation authority under this subsection shall be subject to sanctions to the fullest extent of the law.

(c) Workers in the insurance industry, but only to the extent that their work cannot be done by telephone or remotely.

(d) Workers and volunteers for businesses or operations (including both religious and secular nonprofit organizations) that provide food, shelter, and other necessities of life for economically disadvantaged or otherwise needy individuals, individuals who need assistance as a result of this emergency, and people with disabilities.

(e) Workers who perform critical labor union functions, including those who administer health and welfare funds and those who monitor the well-being and safety of union members who are critical infrastructure workers, provided that any administration or monitoring should be done by telephone or remotely where possible.

(f) Workers at retail stores who sell groceries, medical supplies, and products necessary to maintain the safety, sanitation, and basic operation of residences, including convenience stores, pet supply stores, auto supplies and repair stores, hardware and home maintenance stores, and home appliance retailers.

(g) Workers at laundromats, coin laundries, and dry cleaners.

(h) Workers at hotels and motels, provided that the hotels or motels do not offer additional in-house amenities such as gyms, pools, spas, dining, entertainment facilities, meeting rooms, or like facilities.

(i) Workers at motor vehicle dealerships who are necessary to facilitate remote and electronic sales or leases, or to deliver motor vehicles to customers, provided that showrooms remain closed to in-person traffic.

City of Warren COVID-19 Preparedness and Response Plan

In order to comply with Governor Whitmer's Executive Order No. 2020-42 the City of Warren has prepared the following COVID-19 Preparedness and Response Plan. This Plan may be updated as this situation evolves or as COVID-19 Executive Orders are issued or amended.

Executive Order 2020-42 prohibits businesses or operations to operate a business or conduct operations that requires workers to leave their homes except to the extent those workers are necessary to sustain or protect life (*i.e.*, critical infrastructure workers) or to conduct minimum basic operations.

Under Executive Order 2020-42, workers who are necessary to conduct minimum basic operations are "those workers whose in-person presence is strictly necessary to allow the business or

operation to maintain the value of inventory and equipment, care for animals, ensure security, process transactions (including payroll and employee benefits), or facilitate the ability of other workers to work remotely.”

Only “critical infrastructure workers” or those required to conduct minimum basic operations may be permitted to perform in-person activities so long as any in-person work is performed consistently with the social distancing and mitigation measures required under any relevant executive order or public health order. Workers designated as critical infrastructure workers or those required to conduct minimum basic operations will be informed of such designations in writing, if so required.

The City of Warren had previously communicated the work from home/telecommuting/remote working options to city employees on March 19, 2020. The City’s IT Department was integral in achieving this goal and has been equipped for a few years now to undertake this measure. (*Exhibit E*)

All employees who were not essential to operations, and whose job duties reasonably allowed to them to work from home were allowed to do so.

Employees were permitted to take paid leave consistent with the Families First Coronavirus Response Act and City of Warren’s Personnel Policy. Any onsite employee who appeared to have a respiratory illness was separated from other employees and sent home.

Employees who remained at city buildings to perform their work were staggered on certain days, in order to leave smaller crews on-site, to avoid coming within six feet of other individuals. Some employees were relocated and provided additional resources in order to avoid the shared use of offices, desks, telephones, and tools/equipment. Employees should and have been remaining in their assigned work areas as much as possible. Employees whose job duties regularly require them to be within six feet of members of the public were provided with appropriate personal protective equipment (PPE) or physical barriers commensurate with their level of risk of exposure to COVID-19. (*Exhibit A*) The number of employees permitted in any breakroom/kitchen/lunchroom from here on out shall be limited to ensure social distancing restrictions can be followed.

On February 26, 2020, CDC posters were erected in all city buildings instructing employees and visitors to wash their hands frequently, to cover their coughs and sneezes with tissue, and to avoid touching their faces. Employees and the public had access to restrooms to frequently wash their hands and were given access to hand sanitizer at each department front counter (also on February 26, 2020). Employees also had access to tissues and places to properly dispose of them. Signs regarding proper hand washing methods were posted in all restrooms. Hand shaking was discouraged and will further be prohibited to ensure good hand hygiene. (*Exhibits A, O, P*)

On February 26, 2020, also I directed the Public Service Department and Building Maintenance Division to increase cleaning and disinfecting of surfaces, equipment, and other elements of the work environment daily using products containing EPA-approved disinfectants. Employees were provided with access to disposable disinfectant wipes so that their workspaces and any commonly used surfaces could be wiped down before each use. In the event that an employee that has been

in the workplace in the past 14 days tests positive for COVID-19, additional cleaning will be conducted. This was demonstrated in one of our departments already in late March, 2020. (*Exhibits A, C*)

On February 26, 2020, I also directed the Police Commissioner and Fire Commissioner to implement special COVID-19 training to all our police and fire department personnel. In addition dispatch was/is able to assist minimizing exposure to our first responders through a series of screening questions. (*Exhibit A, M*)

- Our Fire Department was able to secure cleaning/disinfecting supplies, special oxygen suits, and PPE to maintain our Ambulances and shared spaces.
- Our Police Department was also armed with PPE implemented one man per vehicle directives.

We have not allowed visitors into any city buildings since March 13, 2020 (Community Centers) and March 16, 2020 (City Hall, Libraries, etc.) Visitors are only allowed in the workplace if they are deemed essential to address an issue related to critical infrastructure functions. (*Exhibits C, D*)

In early March 2020 I announced City of Warren Parks will remain open, while play structures have been taped off and their use is prohibited. I have encouraged walking and jogging in the parks while following appropriate social distancing guidelines of maintaining six-feet of space between individuals. (*Exhibit L*)

To ensure a safe work environment and to remain consistent with the Governor’s order all visitors entering city building’s MUST have a face covering, making certain their mouths and noses are properly covered. All visitors shall be screened prior to entering the building. A screening questionnaire will be utilized to decide if the visitor can enter the building. If a visitor presents with symptoms of COVID-19 or answers yes to any of the screening questions we will not allow them into the building. We will provide the visitor with a handout regarding what to do if they might have COVID-19. (*Exhibits N, K*)

An entry screening questionnaire should be completed by all employees before being permitted to enter the workplace and should comply with any required screening process by health professionals. Any individual taking employee temperatures will be required to wear appropriate personal protective equipment. If an employee fails the screening process, he or she should be sent home until allowed to return to work under the relevant executive orders and public health orders. (*Exhibit N*)

We implemented this soon after we moved to a work from home mode on March 23, 2020. An employee or resident of one of the City of Warren’s senior housing facilities is considered to have a Suspected Case of COVID-19 if:

- They are experiencing any of the following COVID-19 symptoms:
 - Fever
 - Persistent cough
 - Shortness of breath

- If they have been exposed to a COVID-19 positive person, meaning:
 - An immediate family member has tested positive for or exhibited symptoms of COVID-19; or
 - In the last 14 days, the employee came in close contact with someone who has tested positive for COVID-19.

If an employee/resident of one of the City of Warren's senior housing facilities believes that he or she qualifies as a Suspected Case (as described above), he or she must:

- Immediately notify supervisor and/or Human Resources/Administrator of office;
- Self-quarantine for 14 days; and
- Seek immediate medical care or advice.

If an employee qualifies as a Suspected Case, then the City of Warren will:

- Notify all employees/resident of one of the City of Warren's senior housing facilities who may have come into close contact (being within approximately six feet for a prolonged period of time without PPE) with the employee in the past 14 days (while not disclosing the identity of the employee to ensure the individual's privacy); and
- Ensure that the employee/resident of one of the City of Warren's senior housing facilities' work/living area is thoroughly cleaned.

- These measures have already been taken/were followed in several departments already:

- Senior Housing
- Police
- Fire
- Building

An employee/resident of one of the City of Warren's senior housing facilities is considered a Confirmed Case of COVID-19 if the person tested positive for COVID-19 or had a health screening with a healthcare provider and that provider deemed them positive.

If an employee/resident of one of the City of Warren's senior housing facilities believes that he or she qualifies as a Confirmed Case (as described above), he or she must:

- Immediately notify supervisor and/or Human Resources/Administrator of Office of his or her diagnosis; and
- Remain out of the workplace until they are cleared to return to work.
 - This has already taken place in the following departments:
 - Senior Housing
 - Police

If an employee/resident of one of the City of Warren's senior housing facilities qualifies as a Confirmed Case, then the City of Warren will: (*Exhibit J*)

- Notify all employees/residents of one of the City of Warren's senior housing facilities who may have come into close contact with the employee (being within approximately six feet for a prolonged period of time without PPE) in the past 14 days (while not disclosing the identity of the employee to ensure the individual's privacy);

- Ensure that the entire workplace, or affected parts thereof (depending on employee's presence in the workplace), is thoroughly cleaned and disinfected;
- If necessary, close the work area or workplace, until all necessary cleaning and disinfecting is completed; and
- Communicate with employees about the presence of a confirmed case, the cleaning/disinfecting plans, and when the workplace will reopen.
 - This took place and was implemented in the Building Division and Senior Housing.

Consistent with Executive Order 2020-36, Employees who test positive for COVID-19 or display one or more of the principal symptoms of COVID-19 (fever, uncharacteristic cough, or uncharacteristic shortness of breath) will not be permitted to return to work until either:

1. Both 3 days have passed since their symptoms have resolved *and* 7 days have passed since their symptoms first appeared or since they were swabbed for the test that yielded the positive result; or
2. They receive a negative COVID-19 test.

Employees* who have been in "close contact" (being within approximately six feet for a prolonged period of time) with an individual who tests positive for COVID-19 or who displays one or more of the principal symptoms of COVID-19 will not be permitted to return to work until either:

1. 14 days have passed since the last close contact with the sick or symptomatic individual; or
2. The symptomatic individual receives a negative COVID-19 test.

*The "close contact" rule does not apply to the following classes of workers: health care professionals; workers at a health care facility (including hospitals, surgical centers, health maintenance organizations, nursing homes, hospice, and veteran's facilities); first responders (e.g., police officers, fire fighters, paramedics); child protective service employees; workers at child caring institutions, as defined in MCL 722.111; and workers at correctional facilities.

I directed all city department heads to maintain their staffing to perform essential functions so the workplace can operate smoothly even if/when key employees are absent. We also utilized various methods of media to communicate important messages to employees and residents. (*Exhibit L*)

- Newsletter
- Newsbeat Magazine
- Water Bill Flyer
- Social Media
- City Website
- Press Releases
- PSA's
- Radio
- TV (both City Cable and broadcast)

A capstone I am most proud of is that city services have been able to run smoothly and continuously, coupled with the assistance to residents that I have implemented. (*Exhibits C, F, G, H, J*)

- Sanitation is on time and consistent, as well as recycling and compost

This virus also affects the economic stability of not only China but also the U.S. and the world. **I think our companies may have to rethink investment in China.**

The great economic boom that we have had may now have a downturn into a nasty recession because of the inability of the many plants in China to function because of this disease.

This could even affect the U.S. Presidential election in November. It currently affects the production of GM, Ford, and many other U.S. companies.

First, Warren residents should take comfort in knowing, health officials have informed us that the risk of Coronavirus to our community at this time remains low. Secondly, in a series of proactive steps I have authorized City Administrators to implement a number of preventative measures.

For further information, please visit the Center for Disease Control and Prevention website at www.cdc.gov and the Michigan Department of Health and Human Services at www.michigan.gov/mdhhs.

There is still more to be learned

COVID-19 is an emerging disease and there is more to learn about its transmissibility, severity, and other features and what will happen in the United States. New information will further inform the risk assessment.

We will continue to work closely with all federal, state, county and other municipal partners to mitigate potential risk and immediately address any local signs of infection. Our residents can feel at ease knowing that their health and well-being is now and always will be my number-one priority. My administration, beginning with Police Commissioner Bill Dwyer, Fire Commissioner Skip McAdams, and all first responders are diligently working to ensure your safety.

Finally, my goal continues to be to serve and protect the citizens and visitors in Warren.

I WANT EVERYONE TO BE PREPARED NOT SCARED!

EXHIBIT B

March 12, 2020

ALL MEDIA FOR IMMEDIATE DISTRIBUTION - CITY OF WARREN - WARREN MAYOR JIM FOUTS TO ANNOUNCE ACTIONS WARREN WILL BE TAKING IN REGARDS TO COVID-19

Coronavirus (COVID-19) actions will be announced later today to serve and protect all people in Warren:

- 1) I will be meeting with major department heads at Noon today.
- 2) I will also be meeting with members of the various churches in Warren later today after the staff meeting.
- 3) I will also be contacting leaders of the various school districts in Warren.
- 4) I will also contact some major state leaders.

I did receive a call from the Governor yesterday. After all of the above I will then announce additional actions that Warren will be taking to protect people against this virus. I am also requesting that all political leaders in Warren put aside their differences to be united to serve and protect our citizens. All hands on deck for this pandemic and no time for political games or partisanship!

Can be reached at Office 586-574-4520, Mobile 586-481-0545, Home 586-573-8058.

Sincerely,

Mayor James R. Fouts
City of Warren
One City Square- Suite 215
Warren, MI 48093-6726
586-574-4520
mayor@cityofwarren.org
www.cityofwarren.org

- I made the decision to not enforcing grass cutting fines in order to allow for safe and clean neighborhoods free of rodents, etc.
- Suspended Water Shut-Offs
- W/WTP is functioning
- Established Food Assistance Hotline
 - Partnered with local food pantries
- Partnership to bring more food to Warren residents through Forgotten Harvest, Gleaner's and Salvation Army

EXHIBIT A

FOR IMMEDIATE RELEASE
February 26, 2020

Contact: Mayor Jim Fouts
Telephone: (586) 574-4520

**Warren Mayor Jim Fouts
Prepares Warren For Influenza Strain A
And Coronavirus (COVID-19)**

Warren, MI – Over these past weeks we have all watched as news of the spread of Coronavirus in China, other parts of Asia and across the globe has been thrust onto our TV screens. As Mayor, it is my goal to educate, detect, and prevent any potential threat to our community here in Warren.

These steps have been taken to protect the citizens of Warren during a potential threat to their health:

- I have released a Public Service Announcement (PSA), and will continue to educate the public on the symptoms and prevention of COVID-19.
- We have implemented a public health management decision making training for all Police and Fire personnel on COVID-19.
- Our dispatchers have been educated on COVID-19 risk assessment so that they can alert and assist our first responders of potential risk on any call on which they are sent.
- I have issued all municipal buildings to display educational materials from the Center for Disease Control and Prevention (CDC), to help educate and identify symptoms of the COVID-19 virus.
- City Hall will feature hand sanitizing stations at each entrance and at each Department counter, to reduce the spread of all viruses.
- I will be setting up meetings at local hospitals (Beaumont and St. John Ascension) to make sure they have protocol in place.
- We will be meeting with local schools to educate them on symptoms to look for with students and staff.
- Masks and gloves will be available for residents visiting city hall, and employees.

EXHIBIT C

March 12, 2020

ALL MEDIA FOR IMMEDIATE DISTRIBUTION - CITY OF WARREN - COVID-19 ACTION BY MAYOR FOUTS

Below is a list of actions I have immediately issued to protect Warren citizens:

- 1) Moratorium on Water shutoffs.
- 2) Friday Closure of Warren Community Center, Fitzgerald Recreation Center, and Owen Jax Center thru the end of March. Transportation for seniors and those with special needs will remain active. Meals on Wheels at Owen Jax will also tentatively remain active. Civic Theatre Productions on hold.
- 3) Fire and Police have protocol for assessing potential patients with coronavirus.
- 4) All non-essential persons prohibited from senior housing facilities at Stilwell and Joseph Coach. All gatherings for various activities such as St. Patrick's Day, Bingo, Euchre, and other such events cancelled.
- 5) Human Resources will be issuing guidelines to all employees regarding proper steps to take to limit exposure.
- 6) Building Maintenance will have stepped up efforts to sanitize all publicly utilized areas, including railings, elevators, door knobs and counter tops. This includes repeated cleaning throughout the day.
- 7) All children's toys have been removed from Libraries and additional efforts have been issued involving cleaning kiosks and keyboards, and patrons will be scanning their own library cards.
- 8) City inspectors also have protocol in place to assess the homes/facilities before they enter.

I have met with several religious leaders and school officials and both have taken proper precautionary efforts and will cooperate and collaborate with the city to protect their parishioners. I will discuss more of this later.

Can be reached at Office 586-574-4520, Mobile 586-481-0545, Home 586-573-8058.

Sincerely,

Mayor James R. Fouts
City of Warren
One City Square- Suite 215
Warren, MI 48093-6726
586-574-4520
mayor@cityofwarren.org
www.cityofwarren.org

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EXHIBIT D

March 13, 2020

ALL MEDIA FOR IMMEDIATE DISTRIBUTION - CITY OF WARREN - UPDATE FROM WARREN MAYOR JIM FOUTS REGARDING WARREN CLOSURES/ACTIONS PERTAINING TO CORONAVIRUS (COVID-19)

ATTENTION I have ordered the following Warren closures due to the coronavirus epidemic:

- 1) All Warren Public Libraries will be closed effective this Monday thru at least the end of the month.
- 2) Warren City Hall will be closed to the public effective this Monday thru at least the end of the month.
- 3) ALL city personnel will still be reporting to work and we will take emails and phone calls as well.
- 4) AARP tax service will also be closed until further notice.

Note: I have received reports that there maybe suspected cases of the virus in Warren. I await further information including additional testing. This is a FLUID situation and subject to change. GM has also closed down the Tech Center except for essential staff. The GM Tech Center is directly across from Warren City Hall. The Governor is also recommending that all houses of worship should be closed if over 250 people are gathering. I have received calls and suggested to Pastors that they too consider closure in order to make it safe for their parishioners.

Can be reached at Office 586-574-4520, Mobile 586-481-0545, Home 586-573-8058.

Mayor James R. Fouts
City of Warren
One City Square- Suite 215
Warren, MI 48093-6726
586-574-4520
mayor@cityofwarren.org
www.cityofwarren.org

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EXHIBIT E

March 19, 2020

**ALL MEDIA FOR IMMEDIATE DISTRIBUTION - CITY OF WARREN - WARREN
MAYOR JIM FOUTS DECLARES A STATE OF EMERGENCY**

As the chief executive (Mayor) of Warren, I have officially declared a State of Emergency for the city of Warren effective Monday March 23, 2020. This will do the following:

- 1) Employees will be able to work from their homes. This allows a safe distancing between city employees to ensure their safety by having minimum contact with other employees. This will help to deter the spread of the coronavirus.
- 2) This will allow me to designate our three community centers* as health auxiliary facilities. This will assist first responders and the medical community when the need arises.
- 3) Essential services will remain in operation during this crisis.
- 4) I will continue working at Warren City Hall, although many employees will be working from home through telecommunications.

*Warren Community Center, Owen Jax Center and Fitzgerald Recreation.

Can be reached at Office 586-574-4520, Mobile 586-481-0545, Home 586-573-8058.

Mayor James R. Fouts
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One City Square- Suite 215
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EXHIBIT F

March 25, 2020

**ALL MEDIA FOR IMMEDIATE DISTRIBUTION - CITY OF WARREN - WARREN
MAYOR JIM FOUTS ESTABLISHES WARREN EMERGENCY FOOD HOTLINE
DURING COVID-19 CRISIS**

During this time of great crisis we need to focus on two words: Faith and Facts I have an EMERGENCY HOTLINE 586-574-4526 for senior Warren residents as well as those with pre-existing conditions who are in need of food. Please for those only who are in great need! This will be coordinated with local food pantries and volunteers from Warren. Those wishing to help out can also call the HOTLINE number 586-574-4526. Indicate that you are able to assist and leave your phone number. THANK YOU!

Can be reached at Office 586-574-4522, Mobile 586-481-0545, Home 586-573-8058.

Sincerely,

Mayor James R. Fouts
City of Warren
One City Square- Suite 215
Warren, MI 48093-6726
586-574-4520
mayor@cityofwarren.org
www.cityofwarren.org

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PUT OUT A REQUEST FOR PPE FOR THAT HOSPITAL. *Help is on the way from Michigan suppliers.
 7) Don't go to the hospital unless you are very sick as our hospitals are overwhelmed with coronavirus cases. It's somewhat dangerous to go to a hospital at this time. Do work on supporting our medical personnel with any support including masks, lunch catered from a local restaurant, and support for their sacrifice and work that they do! I have arranged for a place in Warren to supply our hospital people in Warren with lunch.

Please support PRESIDENT TRUMP on his strong recommendation that we all follow guidelines indicating that you wear a mask when outside your home. And stay home for the next 2 weeks. We must follow the suggestions of our President, the CDC, and our Governor.*

Thank You!

*On a conference call with the White House today President Trump informed us of the various equipment being received. Such as 100,000 ventilators are on their way. He stressed that the government is working diligently to make sure all hospitals are adequately supplied.

Office 586-574-4520, Cell 586-481-0545, Home 586-573-8058.

Sincerely,

Mayor James R. Fouts
 City of Warren
 One City Square- Suite 215
 Warren, MI 48093-6726
 586-574-4520
mayor@cityofwarren.org
www.cityofwarren.org

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EXHIBIT I

April 10, 2020

ALL MEDIA FOR IMMEDIATE DISTRIBUTION - CITY OF WARREN - UPDATE FROM MAYOR FOUTS ON WARREN SANITATION EFFORTS-LAWN MOWING

Great union* employees at Sanitation & DPW makes Warren the best in the Metro area! We are the only city in this area that is still picking up everything including compost. All other surrounding cities are NOT picking up compost. What's next for these cities? Recycling? Garbage? These surrounding cities also have private sanitation services and we do not! In Warren we invested NINE MILLION DOLLARS on new one man mechanized sanitation trucks and garbage cans. These adhere to social distancing and are safer for the workers since they don't have to touch the trash. So while trash pick up in other cities is languishing Warren is completing the job.

My priority is always to serve and protect our citizens and that's why I also will NOT ticket people for lawn cutting and edging. That's an essential service and without that service we would have tall weeds, rats, mice, and mosquitoes. Our neighborhoods would become blighted and blight begets blight**. Warren has one of the largest populations of senior citizens and they depend upon a lawn service as do many people with various special needs due to injury and illness. I admire and commend Governor Whitmer's effort to keep us safe but prohibiting grass cutting is one that I must respectfully disagree with.

However, I urge Warren residents to try to get by without lawn cutting until it is absolutely necessary. At least for the next few weeks. The Governor's office responded to my lawn cutting question by saying: "No, EXCEPT IF THE SERVICE IS NECESSARY TO MAINTAIN AND IMPROVE THE SAFETY, SANITATION, AND ESSENTIAL OPERATIONS OF A RESIDENCE." My interpretation of this quote is that yes lawn cutting is an essential service! I do strongly support the Governor's efforts to keep us safe by social distancing.

*Only unionized sanitation city in the metro area with the exception of Grosse Pointe.

**That's why we will not be ticketing lawn services for grass cutting and edging. However, this does not mean we will not ticket for other services.

Office 586-574-4520, Cell 586-481-0545, Home 586-573-8058.

Sincerely,

Mayor James R. Fouts
 City of Warren
 One City Square- Suite 215
 Warren, MI 48093-6726
 586-574-4520
mayor@cityofwarren.org
www.cityofwarren.org

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EXHIBIT J



April 20, 2020

Dear Residents,

This letter is to educate and update Stillwell/Joel Coach residents about the unprecedented challenge of coronavirus (COVID-19). We recognize this is an agitating time and has impacted all our lives. We value all our residents and will follow guidelines support from our leaders to help protect members of our community during this pandemic.

The Centers of Disease Control and Prevention (CDC) states that the best way to avoid this health issue is through prevention:

- Stay home if you are sick & avoid contact with people who are sick.
 - If you must leave your apartment for essential needs, please practice social distancing by staying 6 feet apart from others.
 - Cover your mouth and nose with a tissue when cough or sneeze or use the inside of your elbow.
 - Wash your hands frequently with soap & water for 20 seconds if unavailable, use hand sanitizer that contains at least 60% alcohol.
 - Avoid touching your eyes, nose, and mouth with unwashed hands.
 - Wear a cloth face cover in public. If a mask is unavailable you can wear a scarf, bandanna and or you can make your own. (you could spread the virus even if you do not feel sick).
 - Clean and disinfect frequently-touched surfaces.
- What we expect from you is to follow the CDC guidelines, as listed above and urge you to take these extra safety measures to help prevent the spread of the virus:
- Stay in your apartment if possible and avoid contact with others
 - Avoid any gatherings in your unit or any common areas
 - Do not have visitors unless essential for food or medicine

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- Do not congregate outside to smoke.

In addition to the above personal guidelines, we continue to implement property-level measures, including frequent cleaning, sanitizing of the corridors and all common areas throughout the community to minimize the spread of any virus.

If you have any symptoms related to the virus or feel sick with a fever, cough or difficulty breathing please isolate yourself and contact your health care provider. Many providers are providing curbside testing and you must contact your doctor for a prescription to do so. You can also call the COVID-19 helpline for a health screening at 833-559-0659.

We know many residents have questions and concerns due to the COVID-19 exposure within their community/building. While privacy laws prohibit any unauthorized disclosure of an individual's health information, we are working with legal counsel to provide you with information and updates as appropriate. With great understanding and empathy, we continue to make the safety, well-being, privacy, and dignity of our residents a top priority.

Most business offices are closed, but if you have IRS questions you can contact the IRS on the web at [IRS.GOV](https://www.irs.gov) or by telephone at 800-829-1040, 7 a.m. to 7 p.m. Additionally, if you need help with food assistance, please contact the office and additional resources will be provided.

If you have questions or concerns or would like to share information with management, contact the office of Stillwell/Joel Coach at 586-758-1310.

With sincerest appreciation,

Management

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April 23, 2020

Dear Residents,

The Emergency Management Act gives the governor broad power to cope with danger to Michiganders from a disaster or emergency. The governor implements these powers through executive orders ("EOs"), which have the force and effect of law.

As you know, on March 10, Governor Whitmer declared a state of emergency and on April 1, declared a state of emergency and state of disaster.

On April 9, she signed EO 2020-42 to *suspend all social activities until the end of April*. This EO has the force and effect of law and states:

1. All individuals must stay at home.
2. All gatherings of people not part of a single household is prohibited.
3. All people who leave home must practice the social distancing measures recommended by the Centers for Disease Control and Prevention ("CDC"). See below.
4. No person shall operate a business that require workers to leave their homes unless those workers are necessary to sustain or protect life or conduct minimum basic operations ("critical infrastructure workers").

There are *limited exceptions* to the stay at home rule:

1. To engage in outdoor physical activity such as walking, hiking, running, cycling, kayaking, canoeing, or other similar physical activity, as well as any comparable activity for those with limited mobility.
2. To perform a job as a critical infrastructure workers.
3. To pick up medication or seek emergency medical or dental care.
4. To purchase groceries, take-out food, gasoline, needed medical supplies, and products necessary to maintain the safety, sanitation, and basic operation of their home.

Governor Whitmer stated:

"This virus is both aggressive and persistent . . . To win this fight, and to protect the health and safety of our state and each other, we must be just as aggressive and persistent."

EO 2020-42.

As tenants, you must do your part to help fight this virus. Your Lease requires you to comply with all laws and refrain from conduct that disturbs, harasses, annoys, or endangers other tenants. See §§ 9 and 25 of your Lease.

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April 23, 2020

EO 2020-42 is the law, designed to:

"suppress the spread of COVID-19, to prevent the state's health care system from being overwhelmed, to allow time for the production of critical test kits, ventilators, and personal protective equipment, and to avoid needless deaths . . ."

b) 2020-42. Alleged violations of this law and your Lease will be taken very seriously and investigated to the fullest extent possible.

We continue to implement property-level measures to protect your health and safety and expect all residents and staff to follow the CDC recommendations:

- Stay informed – the best way to prevent illness is to avoid being exposed to this virus, visit www.cdc.gov.
 - Avoid close contact with sick people, stay at home as much as possible.
 - Put at least 6 feet of distance between yourself and other people.
 - Wash your hands often with soap and water for at least 20 seconds, or if this not available, use a hand sanitizer that contains at least 60% alcohol.
 - Avoid touching your eyes, nose, and mouth.
 - **Wear a cloth face cover in public** (you could spread the virus even if you do not feel sick).
 - Cover your mouth when coughing or sneezing; immediately wash your hands.
 - Clean and disinfect frequently touched surfaces.
 - If you feel sick with fever, cough, or difficulty breathing isolate yourself and seek immediate medical care.
- We urge all residents to take extra steps to help prevent the spread of the virus:
- Stay in your apartment if possible and avoid contact with others.
 - Avoid any gatherings in your unit, patio, or any common areas.
 - Do not have visitors unless essential for food or medicine.
 - Do not congregate outside to smoke.

If you have questions or concerns, or would like to share information with management, please contact the office of Stillwell/Joe Coach at **\$86-758-1310**.

Management

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EXHIBIT K

Prevent the spread of COVID-19 if you are sick

Accessible version: <https://www.cdc.gov/coronavirus/2019-nCoV/faq-are-you-sick.html>

If you are sick with COVID-19 or think you might have COVID-19, follow the steps below to help protect other people in your home and community.



- Stay home except to get medical care.
- Stay home. Most people with COVID-19 have mild illness and are able to recover at home without medical care. Do not leave your home, except to get medical care. Do not visit public areas.

- Take care of yourself. Get rest and stay hydrated.

- Get medical care when needed. Call your doctor before you go to their office for care. But, if you have trouble breathing or other concerning symptoms, call 911 for immediate help.

- Avoid public transportation, ride-sharing, or taxis.

Separate yourself from other people and pets in your home.

- As much as possible, stay in a specific room and away from other people and pets in your home. Also, you should use a separate bathroom, if available. If you need to be around other people or animals in or outside of the home, wear a cloth face covering.

- See COVID-19 and Animals if you have questions about pets: <https://www.cdc.gov/specialty/2019-nCoV/faq.html#COVID-19-animals>

Monitor your symptoms.

- Common symptoms of COVID-19 include fever and cough. Trouble breathing is a more serious symptom that means you should get medical attention.
- Follow care instructions from your healthcare provider and local health department. Your local health authorities will give instructions on checking your symptoms and reporting information.



01/20/24 8/27/24

If you develop emergency warning signs for COVID-19 get medical attention immediately.

Emergency warning signs include:

- Trouble breathing
- Persistent pain or pressure in the chest
- New confusion or not able to be woken
- Bluish lips or face

This list is not all inclusive. Please consult your medical provider for any other symptoms that are severe or concerning to you.

Call 911 if you have a medical emergency. If you have a medical emergency and need to call 911, notify the operator that you have or think you might have COVID-19. If possible, put on a cloth face covering before the medical help arrives.



Call ahead before visiting your doctor.

- Call ahead. Many medical visits for routine care are being postponed or done by phone or telemedicine.
- If you have a medical appointment that cannot be postponed, call your doctor's office. This will help the office protect themselves and other patients.

If you are sick, wear a cloth covering over your nose and mouth.

- You should wear a cloth face covering over your nose and mouth if you must be around other people or animals including pets (even at home).

You don't need to wear the cloth face covering if you are alone. If you can't put on a cloth face covering (because of trouble breathing, for example), wear a cloth face covering and move to some other room. Try to stay at least 6 feet away from other people. This will help protect the people around you.

Note: During the COVID-19 pandemic, medical grade facemasks are reserved for healthcare workers and some first responders. You may need to make a cloth face covering using a knit or bandana.

[cdc.gov/coronavirus](https://www.cdc.gov/coronavirus)

Cover your coughs and sneezes.

- Cover your mouth and nose with a tissue when you cough or sneeze.
- Throw used tissues in a lined trash can.

- Immediately wash your hands with soap and water for at least 20 seconds. If soap and water are not available, clean your hands with an alcohol-based hand sanitizer that contains at least 60% alcohol.

Clean your hands often.

- Wash your hands often with soap and water for at least 20 seconds. This is especially important after blowing your nose, coughing, or sneezing, going to the bathroom, and before eating or preparing food.

- Use hand sanitizer if soap and water are not available. Use an alcohol-based hand sanitizer with at least 60% alcohol, covering all surfaces of your hands and rubbing them together until they feel dry.

- Soap and water are the best option, especially if your hands are visibly dirty.

- Avoid touching your eyes, nose, and mouth with unwashed hands.

Avoid sharing personal household items.

- Do not share dishes, drinking glasses, cups, eating utensils, towels, or bedding with other people in your home.

- Wash these items thoroughly after using them with soap and water or put them in the dishwasher.

Clean all "high-touch" surfaces everyday.

- Clean and disinfect high-touch surfaces in your "sick room" and bathroom. Let someone else clean and disinfect surfaces in common areas, but not your bedroom and bathroom.

- If a caregiver or other person needs to clean and disinfect a sick person's bedroom or bathroom, they should do so on an as-needed basis. The caregiver/other person should wear a mask and wait as long as possible after the sick person has used the bathroom.

High-touch surfaces include phones, remote controls, counters, tabletops, doorknobs, bathroom fixtures, toilets, keyboards, tablets, and bedside tables.

- Clean and disinfect areas that may have blood, stool, or body fluids on them.

- Use household cleaners and disinfectants. Clean the area or item with soap and water or another detergent if it is dirty. Then use a household disinfectant.

- Be sure to follow the instructions on the label to ensure safe and effective use of the product. Many products recommend keeping the surface wet for several minutes to ensure germs are killed. Many also recommend precautions such as wearing gloves and making sure you have good ventilation during use of the product.

- Most EPA registered household disinfectants should be effective.



How to discontinue home isolation

- People with COVID-19 who have stayed home (home isolation) can stop home isolation under the following conditions:

- If you will not have a test to determine if you are still contagious, you can leave home after these three things have happened:
 - You have had no fever for at least 72 hours (that is three full days of no fever without the use of medicine that reduces fevers)

AND

- other symptoms have improved (for example, when your cough or shortness of breath has improved)

AND

- at least 7 days have passed since your symptoms first appeared.

- If you will be tested to determine if you are still contagious, you can leave home after these three things have happened:
 - You no longer have a fever (without the use of medicine that reduces fevers)

AND

- other symptoms have improved (for example, when your cough or shortness of breath has improved)

AND

- you received two negative tests in a row, 24 hours apart. Your doctor will follow CDC guidelines.

In all cases, follow the guidance of your healthcare provider and local health department. The decision to stop home isolation should be made in consultation with your healthcare provider and state and local health departments. Local decisions depend on local circumstances.

Exhibit L
Water Bill Flyers for March, April, May thru the COVID-19 crisis

COVID-19 Coronavirus Information

- I have an EMERGENCY HOTLINE 586-574-4526 for senior Warren residents as well as those with pre-existing conditions who are in need of food. Please for those only who are in great need! This will be coordinated with local food pantries and volunteers from Warren. Those wishing to help out can also call the HOTLINE number 586-574-4526. Indicate that you are able to assist and leave your phone number.
- I have also arranged for Forgotten Harvest to distribute food at Warren city hall, south parking lot every Monday from 9 am – 1 pm. First come, first served. Stay in your vehicles and food is placed in your trunk.
- Constantly use soap and water and if not available use sanitizers that are at least 60% alcohol.
- Use masks, gloves and wipes to ensure extra safety BUT do not discard of these in public areas, discard in a safe container not out on the street or parking lot as this can become unsightly and dangerous pollution, for health and the sewer systems.
- Cover your mouth when coughing and or sneezing. Use your elbow if necessary.
- Do not shake hands with anyone.
- If you are over age 60 and or have a compromised immune system because of cancer, diabetes, asthma and other such illnesses be EXTRA CAREFUL and avoid going outside your home. These are some things to be mindful of:
 - o The older you are the more likely it is that this disease will be fatal. In Michigan deaths have been 50 and up but there have been some much younger.
 - o Men have a greater chance of having difficulty with this disease than women.
 - o Men are more likely to die and especially men over 60.
 - o Anyone with a pre-existing condition can be seriously affected by this disease.
 - o Those that smoke are far more likely to have difficulty with this disease. Indeed in many countries such as Italy this is a key factor for a fatal exposure.
 - o People who smoke, consume alcohol or drugs, and or have a poor diet are at greater risk too.

As your Mayor my most important job is to serve and protect the citizens of Warren. With that goal in mind I will continually be updating what we are currently doing to prevent the spread of this horrible virus and how we can do things better. For example:

- 1) I have closed all of the recreation buildings until this virus is no longer a danger and that includes: Warren Community Center, Fitzgerald Recreation Center, and Owen Jax Recreation Center.
- 2) I have closed all libraries.
- 3) I have closed city hall to the public.

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- 4) I have closed the parks for everything except jogging or walking
- 5) Yellow tape will be on all of the children's playground items.
- 6) Almost a month ago I made sure city buildings were equipped with CDC charts for citizens and other protections.

7) I have issued safe practice guidelines to protect our first responders from the virus.

Please stay a safe distance away from others and do what is suggested to make sure you remain safe. God Bless! - Warren Mayor Jim Fouts

MDHHS Hotline to address COVID-19 health questions – Open seven days a week from 8 a.m. to 5 p.m. Call 1-888-535-6136

Unemployment Claims Hotline – Monday – Friday; 8 a.m. to 4:30 p.m. Call 1-866-500-0017

Mayor Fouts Requesting Heroes Photos

If you or a loved one are frontline workers, (police, fire, healthcare, grocery worker, etc.) Mayor Fouts would like to feature our heroes in our city Newsbeat Magazine Fall edition, titled Warren's Heroes.

Please submit hero photos, with their name and where they work to wmaniere@cityofwarren.org.

Help and Support Each Other

During these hard times, please support your Warren restaurant and businesses. Patronize your local diners, pizzerias, ice cream shops, and small businesses. You can purchase gift cards to use at a later time to help them out.

Now is the time we need to help our neighbors and friends.

Business Hours For Early Shopping

These stores are open to seniors, 60 and over and the disabled:

Kroger's: 7 a.m. – 8 a.m. – M-W-F

Walmart: 6 a.m. – 7 a.m. – Tues. only

Meijers: 7 a.m. – 8 a.m. – Tues. & Thurs.

Oakridge Market: 7 a.m. – 8 a.m. – Mon & Fri.

Randazzo's: 7 a.m. – 8 a.m. – Daily

MAYOR FOUTS' OFFICE FOOD ASSISTANCE

-EMERGENCY FOOD HOTLINE 586-574-4526 for senior Warren residents as well as those with pre-existing conditions who are in need of food. Please for those only who are in great need! This is coordinated with local food pantries and volunteers from Warren.

-Forgotten Harvest at city hall in the south parking lot every Monday from 9AM-1PM, contactless, first come, first served basis, food placed in your clean trunk.

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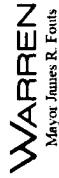
Exhibit M**POLICE/FIRE DISPATCHER SCREENING QUESTIONNAIRE**

- For police calls, the caller is asked whether anyone present has COVID-19 symptoms. This information is given to the responding officers when they are dispatched to a scene.

- For ALL fire department dispatched calls, the dispatchers are **REQUIRED** to ask the patient, or if it is a 2nd party caller, for dispatch to ask the 2nd party caller the following questions:

- Is the patient having shortness of breath?
- Does the patient have a fever?
- Does the patient have a cough?
- Has any member of the household been suspected to have or diagnosed with COVID-19?

The dispatcher then needs to communicate with the dispatched units per CAD, rip-n-run notes and verbally on air the answers that were given by the patient/ 2nd hand caller.

EXHIBIT N

BUILDING ENTRY SCREENING QUESTIONNAIRE
EMPLOYEES AND VISITORS

Department Visiting: _____

Visitor Name: _____

Date: _____ Time In: _____

In the past 24 hours, have you experienced any of the following symptoms:

- Fever
- Persistent Cough
- Shortness of breath

If the visitor answered "yes" to any of the symptoms listed above the visitor is not allowed access to building. Visitor handed CDC Handout: What To Do If You Are Sick?

In the past 14 days, have you:

Had close contact (within approximately six (6) feet for a prolonged period of time) with an individual diagnosed with COVID-19? or who has exhibited the above symptoms in the last 14 days?

- Yes
- No

If the visitor answered "yes" to any of the symptoms listed above the visitor is not allowed access to building. Visitor handed CDC Handout: What To Do If You Are Sick?

Employee Screening Visitors:

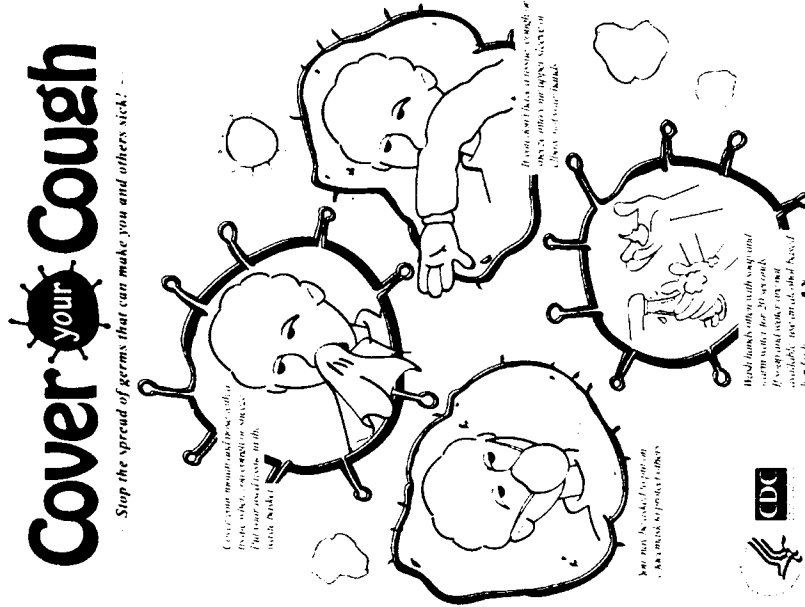
Contact Department and inform them the visitor was not allowed into the building.

Date: _____ Time: _____ Spoke to: _____

EXHIBIT O



EXHIBIT P



City of Warren
COVID-19 PREPAREDNESS AND RESPONSE PLAN


Certification

This is to certify that I have reviewed the City of Warren COVID-19 Preparedness and Response Plan attached hereto and to the best of my knowledge and belief:

- 1.) It complies with Michigan Governor Whitmer's Executive Order 2020-42 dated Thursday, April 9, 2020.
- 2.) The plan is consistent with the guidance from U.S. Department of Labor, Occupational Health and Safety Administration publication OSHA 3990-03-2020, Guidance on Preparing Workplaces for COVID-19.
- 3.) The plan is available on the City of Warren website www.cityofwarren.org and at each City of Warren facility where in-person operations take place during the COVID-19 emergency.

I declare that the foregoing is true and correct.

Signature: _____


James R. Fouts, Mayor
City of Warren

Date: April 30, 2020



Albert Thrower DOB: 4/15/1957

3/30/2020 8:20 AM Urologic Surgery 216-778-4391

PROSTATE SPECIFIC ANTIGEN (PSA)
1 remaining until 3/30/2021

PROSTATE SPECIFIC ANTIGEN (PSA)
1 remaining until 3/30/2021

You saw J. Patrick Spirnak, MD on Monday March 30, 2020. The following issue was addressed: Prostate cancer.

Monday December 21 8:00 AM

Urologic Surgery
MetroHealth Medical Center
2500 MetroHealth Drive
CLEVELAND OH 44109
216-778-4391

Primary Care Provider
Jill Molnar, APRN-CNP

Phone
216-778-2273

Ex 31

MyChart

View your After Visit Summary and more online at [mychart.metrohealth.org](#)

Case 2:22-cv-10918-MFL-APP ECF No. 79-4, PageID.1307 Filed 08/18/23 Page 3 of 3



EX 32